



European  
Patent Office

# National law relating to the EPC



European patent  
applications and patents:  
law and practice of  
the EPC Contracting States

Extension of  
European patents

1997



1. Synopsis of the regulations and requirements in the Contracting States concerning European patent applications and patents
2. Extension of European patents to States not party to the EPC

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Erhardtstraße 27  
D-80331 München

**Address for orders:**

European Patent Office (EPO)  
Information Office  
✉ D-80298 München  
☎ (+ 49-89) 23 99-45 12  
Telex: 523 656 epmu d  
Fax: (+ 49-89) 23 99-44 65

Branch at The Hague  
Information Office  
Patentlaan 2  
Postbus 5818  
✉ NL-2280 HV Rijswijk  
☎ (+ 31-70) 3 40-20 40  
Telex: 31 651 epo nl  
Fax: (+ 31-70) 3 40-30 16

Berlin sub-office  
Information Office  
✉ D-10958 Berlin  
☎ (+ 49-30) 2 59 01-0  
Fax: (+ 49-30) 2 59 01-840

Vienna sub-office  
Information Office  
Schottenfeldgasse 29  
Postfach 82  
✉ A-1072 Wien  
☎ (+ 43-1) 5 21 26-0  
Telex: 136 337 inpa a  
Fax: (+ 43-1) 5 21 26-54 91

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## 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(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.



## Abbreviations

(see also Table I, column 4)

AS	Sammlung der eidgenössischen Gesetze	INPI	Institut national de la propriété industrielle
AT	Austria	INPI	Instituto Nacional da Propriedade Industrial
ATS	Austrian Schilling	IP	Industrial Property
BE	Belgium	IPLT	Industrial Property – Laws and Treaties
BEF	Belgian franc	IPO	Irish Patents Office
BGBI.	Bundesgesetzblatt	IT	Italy
Bl.f.PMZ	Blatt für Patent-, Muster- und Zeichenwesen	ITL	Italian lira
BOE	Boletín oficial del Estado	J.M.	Journal de Monaco
BOPI	Bulletin officiel de la propriété industrielle – Brevets d'invention	J.O.	Journal officiel de la République Française
CH	Switzerland	LGBl.	Liechtensteinisches Landesgesetzblatt
CHF	Swiss franc	LI	Liechtenstein
DE	Germany	LTPI	Lois et traités de propriété industrielle
DEM	Deutsche Mark	LU	Luxembourg
DK	Denmark	LUF	Luxembourg franc
DKK	Danish crown	MC	Monaco
DPA	German Patent Office	NIPO	Netherlands Industrial Property Office
DPO	Danish Patent Office	NL	Netherlands
ΕΔΒΙ	Eidiko Deltio Biomichanikis Idioktissias (Industrial Property Bulletin)	NLG	Netherlands Florin
EPC	European Patent Convention	OBI	Organismos Biomichanikis Idioktissias (Industrial Property Organisation)
EPO	European Patent Office	OEPM	Oficina Española de Patentes y Marcas
ES	Spain	OJ EPO	Official Journal of the European Patent Office
ESP	Spanish peseta	OPRI	Office de la Propriété Industrielle
ΦΕΚ	Fyllo Efimeridos tis Kyberniseos (Law Gazette)	PIBD	Propriété industrielle – Bulletin documentaire
FI	Finland	PT	Portugal
FIM	Finnish marks	PTE	Portuguese Escudo
FR	France	SäädKok	Suomen Säädöskokoelma
FRF	French franc	SE	Sweden
GBP	Pound sterling	SEK	Swedish crown
GR	Greece	SFS	Svensk författningssamling
GRD	Greek drachmas	SI	Statutory Instruments
GRUR Int.	Gewerblicher Rechtsschutz und Urheberrecht, Internationaler Teil	SR	Systematische Rechtssammlung (Switzerland)
G.U.	Gazzetta Ufficiale	Stb	Staatsblad
IE	Ireland	UK	United Kingdom
IEP	Irish punt		
IGE	Swiss Federal Intellectual Property Institute		



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## National legal bases

I.

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), zuletzt geändert durch das Bundesgesetz vom 17. April 1996</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) as last amended by the Federal Law of 17 April 1996</i>]</p> <p>2. Patentgesetz 1970, zuletzt geändert durch das Bundesgesetz vom 17. April 1996</p> <p>[2. <i>Patent Law 1970, as last amended by the Federal Law of 17 April 1996</i>]</p> <p>3. Verordnung des Bundesministers für wirtschaftliche Angelegenheiten vom 25. März 1994, betreffend die Durchführung des Patentgesetzes 1970, des Gebrauchsmustergesetzes, des Markenschutzgesetzes 1970 und des Musterchutzgesetzes 1990 (Patent-, Gebrauchsmuster-, Marken- und Musterverordnung – PGMMV)</p> <p>[3. <i>Regulation of the Federal Minister for Economic Affairs of 25 March 1994 on the implementation of the 1970 Patent Law, the Utility Model Law, the 1970 Trademark Protection Law and the 1990 Design Protection Law (Patent, Utility Model, Trademark and Design Regulation)</i>]</p> <p>4. Verordnung des Präsidenten des Patentamts vom 8. November 1990 über Eingaben an das Patentamt sowie über das Verfahren in Patent-, Gebrauchsmuster-, Halbleiterschutz-, Marken- und Musterangelegenheiten (Patentamtsverordnung – PAV), zuletzt geändert durch Verordnung des Präsidenten des Patentamts Zl. 1686/Präs. 94</p> <p>[4. <i>Regulation of the President of the Patent Office of 8 November 1990 on the filing of documents with the Patent Office and on patent, utility model, semiconductor protection, trademark and design procedures (Patent Office Regulation), amended by Regulation of the President of the Patent Office Zl. 1686/Präs. 94</i>]</p>	<p>BGBI Nr. 52/1979; Nr. 234/1984; Nr. 418/1992; Nr. 181/1996</p> <p>BGBI Nr. 259/1970; Nr. 234/1984; Nr. 382/1986; Nr. 418/1992; Nr. 771/1992; Nr. 212/1994; Nr. 634/1994; Nr. 181/1996</p> <p>BGBI Nr. 226/1994</p> <p>Patentblatt 1990, 161 1992, 73 1994, 66</p>	<p>IPLT AT 2-002 (English, French)</p> <p>IPLT AT 2-001 (English, French)</p> <p>–</p> <p>–</p>	<p>ILPT</p> <p>PA</p> <p>RPT</p> <p>POR</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, modifiée par la loi du 28 mars 1984</p>	<p>Moniteur belge du 30.9.77 et du 9.3.85</p>		

Contracting State	1 National provisions	2 Source	3 Translation published in . . . . . (language)	4 Abbreviations used in this synopsis
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 as amended by the law of 28 March 1984]</li> </ol> <p>2. Loi du 4 août 1955 concernant la sûreté de l'Etat dans le domaine de l'énergie nucléaire</p> <p>[2. Law of 4 August 1955 on the security of the State in the field of nuclear energy]</p> <p>3. 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>[3. 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>4. Loi du 28 mars 1984 sur les brevets d'invention, modifiée en dernier lieu par la loi du 9 mars 1995 en ce qui concerne la représentation devant l'Office de la Propriété Industrielle</p> <p>[4. Patents Act of 28 March 1984, as last amended by Law of 9 March 1995 concerning representation before the Industrial Property Office]</p> <p>5. 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, par l'arrêté royal du 16 janvier 1975 et la loi du 22 juillet 1993</p> <p>[5. Decree of the Regent of 26 June 1947 containing the code of stamp duties confirmed by the Law of 14 July 1951, as amended by Royal Decree No. 12 of 18 April 1967, by Royal Decree of 16 January 1975 and by Law of 22 July 1993]</p> <p>6. Arrêté royal du 18 juillet 1966 portant coordination des lois sur l'emploi des langues en matière administrative</p> <p>[6. Royal Decree of 18 July 1966 co-ordinating the laws on the use of languages for administrative purposes]</p> <p>7. 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, modifié par l'arrêté royal du 2 décembre 1986</p>	<p>Moniteur belge du 19.8.55</p> <p>Moniteur belge du 26.1.55</p> <p>Moniteur belge du 9.3.85 et du 7.6.95</p> <p>Moniteur belge du 14.8.47, du 20.4.67 du 21.5.75 et du 26.7.93</p> <p>Moniteur belge du 2.8.66</p> <p>Moniteur belge du 5.3.81 et du 6.12.86</p>	<p>Bl. f. PMZ 1978, 276 (German) IPLT BE 2-001 (English)</p> <p>–</p> <p>Bl. f. PMZ 1955, 346 (German)</p> <p>Bl. f. PMZ 1987, 139 (German) IPLT BE 2-004 (English)</p> <p>–</p> <p>–</p>	<p>Law of 8.7.77</p> <p>–</p> <p>–</p> <p>PA</p> <p>DR of 26.6.47</p> <p>–</p>

Contracting State	1 National provisions	2 Source	3 Translation published in . . . . . (language)	4 Abbreviations used in this synopsis
Belgium	<p>[7. 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, as amended by Royal Decree of 2 December 1986]</p> <p>8. Arrêté royal du 2 décembre 1986 relatif à la demande, à la délivrance et au maintien en vigueur des brevets d'invention, modifié par l'arrêté royal du 25 mai 1987</p> <p>[8. Royal Decree of 2 December 1986 on patent applications and the grant and renewal of patents, as amended by Royal Decree of 25 May 1987]</p> <p>9. Arrêté royal du 18 décembre 1986 relatif à la délivrance et à la publication, par l'Office de la propriété industrielle, de documents concernant les brevets d'invention et certaines marques, dessins et modèles</p> <p>[9. Royal Decree of 18 December 1986 relating to the supply and publication by the Industrial Property Office of documents relating to patents and certain marks, designs and models]</p> <p>10. Arrêté royal du 18 décembre 1986 relatif aux taxes et taxes supplémentaires dues en matière de brevets d'invention, modifié par l'arrêté royal du 21 septembre 1993</p> <p>[10. Royal Decree of 18 December 1986 concerning fees and supplementary fees payable in respect of patents, as amended by Royal Decree of 21 September 1993]</p>	<p>Moniteur belge du 6.12.86 et du 4.6.87</p> <p>Moniteur belge du 23.12.86</p> <p>Moniteur belge du 23.12.86 et du 29.9.93</p>	<p>IPLT BE 2-002 (English) Bl. f. PMZ 1983, 166 (German)</p> <p>IPLT BE 2-005 (English) Bl. f. PMZ 1988, 118 and 159 (German)</p> <p>—</p> <p>—</p>	<p>RD of 27.2.81</p> <p>RD of 2.12.86</p> <p>RD of 18.12.86</p> <p>RD (Fees)</p>
Denmark	<p>1. Patentloven; lovbekendtgørelse nr. 587 af 2. juli 1993, som senest er ændret ved lov nr. 900 af 29. november 1995</p> <p>[1. Consolidated Patents Act No. 587 of 2 July 1993, as last amended by Law No. 900 of 29 November 1995]</p> <p>2. Bekendtgørelse om patenter og supplerende beskyttelsescertifikater nr. 1193 af 23. december 1992, som senest er ændret ved bekendtgørelse nr. 22 af 19. januar 1996</p> <p>[2. Order concerning Patents and Supplementary Protection Certificates No. 1193 of 23 December 1992, as last amended by Order No. 22 of 19 January 1996]</p> <p>3. Bekendtgørelse om ændring af reglerne om konsumtion i patentloven m. v. nr. 238 af 30. marts 1994</p> <p>[3. Order amending the Provisions about Exhaustion of Right in the Patents Act etc., No. 238 of 30 March 1994]</p> <p>4. Bekendtgørelse om Patentdirektoratets gebyrer nr. 143 af 18 marts 1996</p> <p>[4. Order on patent fees No. 143 of 18 March 1996]</p> <p>5. Lov om hemmelige patenter, lovbekendtgørelse nr. 732 af 27. november 1989</p> <p>[5. Consolidated Secret Patents Act No. 732 of 27 November 1989]</p>	<p>Lovtidende A 1993, 3038 1995, 4699</p> <p>Lovtidende A 1992, 5345 1996, 101</p> <p>Lovtidende A 1994, 1036</p> <p>Lovtidende A 1996, 1268</p> <p>Lovtidende A 1989, 2578</p>	<p>IPLT DK 2-001 (English, French)</p> <p>—</p> <p>—</p> <p>—</p> <p>—</p>	<p>PA</p> <p>PO</p> <p>—</p> <p>Fees Order</p> <p>Law No. 732/89</p>

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Finland	<p>1. Patenttilaki 15.12.1967/550, muutetu viimeksi lailla nro 1695/95 – 22.12.1995</p> <p>[1. <i>Patents Act No. 550/67 of 15 December 1967, as last amended by Act No. 1695/95 of 22 December 1995</i>]</p> <p>2. Patenttiasetus 26.9.1980/669, muutettu viimeksi asetuksella nro 104/96 – 15.2.1996</p> <p>[2. <i>Patents Decree No. 669/80 of 26 September 1980, as last amended by Decree No. 104/96 of 15 February 1996</i>]</p> <p>3. Laki maanpuolustukselle merkityksellisistä keksinnöistä 15.12.1967/551, muutettu viimeksi lailla nro 1697/95</p> <p>[3. <i>Act on Inventions of Importance to the Defence of the Country No. 551/67 of 15 December 1967, as last amended by Act No. 1697/95</i>]</p> <p>4. Patenttimääräykset 30.9.1980, muutettu viimeksi 16.2.1996</p> <p>[4. <i>Patent Office Regulations, as last amended on 16 February 1996</i>]</p> <p>5. Kauppa- ja teollisuusministeriön päätös patenti – ja rekisterihallituksen maksullisista suoritteista 28.12.1995/1782, muutettu päätöksellä 123/96</p> <p>[5. <i>Decision No. 1782 of 28 December 1995 of the Ministry of Trade and Industry on the fees to be charged by the National Board of Patents and Registration, as amended by decision No. 123/96</i>]</p>	<p>SäädKok 550/67 407/80 387/85 801/91 577/92 1034/92 1409/92 593/94 717/95 1695/95</p> <p>SäädKok 669/80 505/85 583/92 71/94 595/94 104/96</p> <p>SäädKok 551/67 795/89 599/95 1697/95</p> <p>not published</p> <p>SäädKok 1782/95 123/96</p>	<p>IPLT FI 2-001 (English, French)</p> <p>IPLT FI 2-002 (English, French)</p> <p>Defence Inventions</p> <p>POR</p> <p>Fees Decision</p>	<p>PA</p> <p>PD</p> <p>Defence Inventions</p> <p>POR</p> <p>Fees Decision</p>
France	<p>1. Loi n° 92-597 du 1er juillet 1992 relative au code de la propriété intellectuelle (partie Législative), modifiée en dernier lieu par la loi n° 95-4 du 3 janvier 1995</p> <p>[1. <i>Law No. 92-597 of 1 July 1992 on the Intellectual Property Code (legislative part), as last amended by Law No. 95-4 of 3 January 1995</i>]</p> <p>2. Décret n° 95-385 du 10 avril 1995 relatif à la partie Réglementaire du code de la propriété intellectuelle, modifié en dernier lieu par le Décret n° 96-103 du 2 février 1996</p> <p>[2. <i>Decree No. 95-385 of 10 April 1995 regarding the Regulations part of the Intellectual Property Code, as last amended by Decree No. 96-103 of 2 February 1996</i>]</p>	<p>J.O. 1992, 8801; 1994, 2151, 6863; 1995, 120</p> <p>J.O. 1995, 5843 1996, 2122</p>	<p>IPLT FR 1-001 (English)</p> <p>–</p>	<p>Law No. 92-597</p> <p>Dec.</p>

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France	<p>3. Arrêté du 12 janvier 1996 relatif aux redevances de procédures perçues par l'institut national de la propriété industrielle</p> <p>[3. <i>Order of 12 January 1996 on the procedural fees of the "Institut national de la propriété industrielle"</i></p> <p>4. 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>[4. <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> <p>5. Arrêtés du 29 novembre 1978, du 16 septembre 1983, du 6 septembre 1985, du 30 avril 1987, du 13 janvier 1993, du 12 novembre 1993 et du 23 octobre 1995 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 décisions du Directeur de l'I.N.P.I. n° 80-164 du 3 mars 1980; n° 80-601 du 19 décembre 1980; n° 83-425 du 28 septembre 1983, n° 85-464 du 6 septembre 1985, n° 87-171 du 30 avril 1987, n° 93-12 du 13 janvier 1993 et n° 93-563 du 3 décembre 1993</p> <p>[5. <i>Orders of 29 November 1978, of 16 September 1983, of 6 September 1985, of 30 April 1987, of 13 January 1993, of 12 November 1993 and of 23 October 1995 on the filing of international applications and European patent applications with the regional offices of the Institut national de la propriété industrielle and Decisions of the Director of INPI No. 80-164 of 3 March 1980, No. 80-601 of 19 December 1980, No. 83-425 of 28 September 1983, No. 85-464 of 6 September 1985, No. 87-171 of 30 April 1987, No. 93-12 of 13 January 1993 and No. 93-563 of 3 December 1993]</i></p>	<p>J.O. 1996, 1453</p> <p>J.O. 1979, 8042</p> <p>J.O. 1979, 63; 1983, 8807; 1985, 10735; 1987, 5308; 1993, 1276; 1993, 17678 PIBD n° 255 du 1.4.80, n° 271 du 1.1.81, n° 332 du 15.10.83 n° 376 du 15.10.85 n° 414 du 15.6.87, n° 539 du 1.3.93, n° 557 du 1.1.94</p>	<p>Bl. f. PMZ 1996, 196 (German)</p> <p>Bl. f. PMZ 1980, 283 (German)</p> <p>Bl. f. PMZ 1979, 163; 1988, 124 (German)</p>	<p>Fees Ord. of 12.1.96</p> <p>Ord. of 19.9.79</p> <p>Ord. of 29.11.78/ 16.9.83/ 6.9.85/ 30.4.87/ 13.1.93/ 12.11.93/ 23.10.95 Decision of 3.3.80/ 28.9.83/ 6.9.85/ 30.4.87/ 13.1.93/ 3.12.93</p>

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Germany	<p>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, zuletzt geändert durch das Gesetz zur Änderung des Patentgesetzes und anderer Gesetze vom 23. März 1993</p> <p>[1. <i>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, as last amended by the Law of 23 March 1993 amending the Patent Law and other Laws</i>]</p>	<p>BGBI 1976 II 649; 1986 I 1446; 1991 II 1354; 1993 I 366</p>	<p>IPLT DE 2-001 (English, French)</p>	<p>LIPC</p>
	<p>2. Gesetz über das Gemeinschaftspatent und zur Änderung patentrechtlicher Vorschriften (Gemeinschaftspatentgesetz) vom 26. Juli 1979, zuletzt geändert durch das Zweite Gesetz über das Gemeinschaftspatent vom 20. Dezember 1991</p> <p>[2. <i>Law concerning the Community patent and amending certain provisions of patent law (Community Patent Law) of 26 July 1979, as last amended by the Second Law on the Community Patent of 20 December 1991</i>]</p>	<p>BGBI 1979 I 1269; 1986 I 1446; 1991 II 1354</p>	<p>–</p>	<p>CPL</p>
	<p>3. Patentgesetz in der Fassung der Bekanntmachung vom 16. Dezember 1980, zuletzt geändert durch das Gesetz zur Abschaffung der Gerichtsferien vom 28. Oktober 1996</p> <p>[3. <i>Consolidated Patent Law as published on 16 December 1980, as last amended by the Law of 28 October 1996 on abolition of court holidays</i>]</p>	<p>BGBI 1981 I 1; 1986 I 1446; 1990 I 422; 1991 II 1354; 1992 I 727; 1993 I 366; 1994 I 3082; 1996 I 1546</p>	<p>IPLT DE 2-002 (English, French)</p>	<p>PA</p>
	<p>4. Gesetz über die Gebühren des Patentamts und des Patentgerichts vom 18. August 1976, zuletzt geändert durch das Markenrechtsreformgesetz vom 25. Oktober 1994</p> <p>[4. <i>Law on fees of the Patent Office and Patent Court of 18 August 1976, as last amended by the Law of 25 October 1994 on the reform of the Trademark Law</i>]</p>	<p>BGBI 1976 I 2188; 1986 I 1446; 1987 I 2294; 1990 I 422; 1991 II 1354; 1992 I 938; 1993 I 366; 1994 I 1739, 2263, 3082</p>	<p>–</p>	<p>LPF</p>
	<p>5. Gesetz zu der Vereinbarung vom 21. Dezember 1989 über Gemeinschaftspatente und zu dem Protokoll vom 21. Dezember 1989 über eine etwaige Änderung der Bedingungen für das Inkrafttreten der Vereinbarung über Gemeinschaftspatente sowie zur Änderung patentrechtlicher Vorschriften (Zweites Gesetz über das Gemeinschaftspatent) vom 20. Dezember 1991</p>	<p>BGBI 1991 II 1354</p>		

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Germany	[5. Law on the Agreement relating to Community Patents of 21 December 1989 and concerning the Protocol on a possible modification of the conditions of entry into force of the Agreement relating to Community patents of 21 December 1989 and amending certain provisions of patent law (Second Law on the Community Patent) of 20 December 1991]		–	2. CPL
	6. Verordnung über die Übersetzungen der Ansprüche europäischer Patentanmeldungen vom 18. Dezember 1978, geändert durch Verordnung vom 21. Oktober 1993	BGBl 1978 II 1469; 1993 II 1989		
	[6. Regulation on the translations of the claims of European patent applications of 18 December 1978, amended by Regulation of 21 October 1993]		–	Publ. Reg.
	7. Verordnung über die Zahlung der Gebühren des Deutschen Patentamts und des Bundespatentgerichts vom 15. Oktober 1991, zuletzt geändert durch Verordnung vom 17. März 1994	BGBl 1991 I 2012; 1994 I 612		
	[7. Regulation on the payment of fees charged by the German Patent Office and the Federal Patent Court of 15 October 1991, as last amended by Regulation of 17 March 1994]		–	RFP
	8. Verordnung über die Anmeldung von Patenten (Patentanmeldeverordnung - PatAnmV) vom 29. Mai 1981, zuletzt geändert durch das Markenrechtsreformgesetz vom 25. Oktober 1994	BGBl 1981 I 521; 1986 I 1738; 1990 I 856; 1993 I 426; 1994 I 3082		
	[8. Regulation on the filing of patents (Patent Filing Regulation – PFR) of 29 May 1981, as last amended by the law of 25 October 1994 on the reform of the Trademark Law]		IPLT DE 2-004 (English, French)	–
	9. Verordnung über die Übersetzung europäischer Patentschriften (ÜbersV) vom 2. Juni 1992	BGBl 1992 II 395		
	[9. Regulation on the translation of European patent specifications (Transl. Reg.) of 2 June 1992]		–	Transl. Reg.
	10. Gesetz über die Erstreckung von gewerblichen Schutzrechten (Erstreckungsgesetz – ErstrG) vom 23. April 1992, geändert durch das Gesetz zu dem Übereinkommen zur Errichtung der Welthandelsorganisation und zur Änderung anderer Gesetze vom 30. August 1994	BGBl 1992 I 938; 1994 II 1438		
[10. Law on the Extension of Industrial Property Rights (Extension Law – ErstrG) of 23 April 1992, amended by Law of 30 August 1994 on the Agreement establishing the World Trade Organisation and amending other laws]		IPLT DE 1-006 (English, French)	–	

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Greece	<p>1. Νόμος 1733/1987 "Μεταφορά τεχνολογίας, εφευρέσεις, τεχνολογική καινοτομία και σύσταση Επιτροπής Ατομικής Ενέργειας" όπως τροποποιήθηκε από το άρθρο 18 του νόμου 1739/1987, το Προεδρικό Διάταγμα 54/1992 και το άρθρο 9 του νόμου 2359/1995.</p> <p>[1. <i>Law No. 1733/1987 on technology transfer, inventions, technological innovation and the establishment of a Nuclear Energy Commission, as amended by (Art. 18 of) Law 1739/1987 and Presidential Decree No. 54/1992 and by (Art. 9 of) Law 2359/1995</i>]</p> <p>2. Νόμος 4325/1963 περί εφευρέσεων αφορωσών την εθνικήν άμυναν της χώρας και τροποποιήσεως του Ν. 2527/1920 "περί διπλωμάτων ευρεσιτεχνίας".</p> <p>[2. <i>Law No. 4325/1963 on inventions relating to national defence and amending Law No. 2527/1920 on patents of inventions</i>]</p> <p>3. Νόμος 1607 της 30.06.1986 σχετικά με την κύρωση της σύμβασης του Μονάχου της 5ης Οκτωβρίου 1973 που αφορά τη χορήγηση ευρωπαϊκών διπλωμάτων ευρεσιτεχνίας.</p> <p>[3. <i>Law No. 1607 of 30 June 1986 on the Ratification of the Munich Convention on the Grant of European Patents of 5 October 1973</i>]</p> <p>4. Προεδρικό Διάταγμα αριθμ. 77 της 11.02.1988 σχετικά με τις διατάξεις εφαρμογής της σύμβασης για τη χορήγηση ευρωπαϊκών διπλωμάτων ευρεσιτεχνίας.</p> <p>[4. <i>Presidential Decree No. 77 of 11 February 1988 on provisions for implementing the Convention on the Grant of European Patents</i>]</p> <p>5. Υπουργική απόφαση αριθμ. 15928/ΕΦΑ/1253 σχετικά με την κατάθεση αίτησης για χορήγηση διπλώματος ευρεσιτεχνίας ή πιστοποιητικού υποδείγματος χρησιμότητας στον Ο.Β.Ι. και τήρηση βιβλίων.</p> <p>[5. <i>Ministerial Decree No. 15928/EFA/1253 on the filing of applications for patents or utility models with OBI and on Patents Registers</i>]</p> <p>6. Απόφαση του Διοικητικού Συμβουλίου του Οργανισμού Βιομηχανικής Ιδιοκτησίας της 14 Δεκεμβρίου 1987 σχετικά με τον Κανονισμό τελών του Ο.Β.Ι. (τροποποιήθηκε με απόφαση της 11.1996).</p> <p>[6. <i>Decision of the Administrative Council of the Industrial Property Organisation of 14 December 1987 on the Rules relating to Fees amended by Decision of November 1996</i>]</p>	<p>ΦΕΚ 171 Α' 22.9.87 201 Α' 20.11.87 22 Α' 14.2.92 241Α' 21.11.95</p> <p>ΦΕΚ 156 Α' 27.9.63</p> <p>ΦΕΚ 85 Α' 30.6.86</p> <p>ΦΕΚ 33 Α' 25.2.88</p> <p>ΦΕΚ 778 Β' 31.12.87</p> <p>ΕΔΒΙ 1988 σελ. 46-48</p>	<p>Bl. f. PMZ 1988, 330 (German) IPLT GR 1-001 (English, French)</p> <p>—</p> <p>—</p> <p>Bl. f. PMZ 1988, 338 (German)</p> <p>—</p> <p>—</p>	<p>Law No. 1733/87</p> <p>Law No. 4325/63</p> <p>Law No. 1607/86</p> <p>Pres. Dec. No. 77/88</p> <p>Min. Dec. No. 15928</p> <p>Decision of November 1996</p>



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Italy	<p>[5. Decree of the President of the Republic No. 641 of 26 October 1972 regulating the administrative fees, amended by Decree No. 338 of 22 June 1979, Order in Council No. 3 of 13 January 1988 and Law No. 405 (Art. 7) of 29 December 1990]</p> <p>5 a. Art.10 del Decreto-legge 11 luglio 1992 n. 333, convertito alla Legge 8 agosto 1992 n. 359</p> <p>[5 a. Art. 10 of the Decree-law of 11 July 1992 No. 333, amended by Law of 8 August 1992 No. 359]</p> <p>5 b. Decreto ministeriale 20 agosto 1992: Approvazione della nuova tariffa delle tasse sulle concessioni governative</p> <p>[5 b. Ministerial Decree of 20 August 1992: Approval of the new administrative fees]</p> <p>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</p> <p>[6. Decree of the President of the Republic No. 540 of 30 June 1972 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]</p> <p>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</p> <p>[7. Ministerial Decree of 22 February 1973 Implementing Regulations to DPR No. 540 of 30 June 1972 relating to patents, utility models, industrial designs and trademarks]</p> <p>8. Regio decreto 29 giugno 1939, n.1127 Testo delle disposizioni legislative in materia di brevetti per invenzioni industriali, modificato con D.P.R. 22 giugno 1979, n. 338, modificato da ultimo con Decreto legislativo 19 marzo 1996, n. 1981</p> <p>[8. Royal Decree No. 1127 of 29 June 1939 Patent Law, amended by DPR No. 338 of 22 June 1979, and last amended by Decreto Legislativo No. 1981 of 19 March 1996]</p> <p>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</p> <p>[9. Royal Decree No. 244 of 5 February 1940 Patents Rules, as last amended by DPR No. 338 of 22 June 1979]</p>	<p>G.U., n. 196 del 21-8-1992</p> <p>G.U., n. 249 del 27-9-1972</p> <p>G.U., n. 69 del 15-3-1973</p> <p>G.U., n.189 del 14-8-1939 Suppl. ord. alla G.U. n. 88 del 15-4-1996</p> <p>G.U., n. 94 del 20-4-1940</p>	<p>Bl. f. PMZ 1976, 10 and 1983, 194 (German)</p> <p>–</p> <p>–</p> <p>Bl. f. PMZ 1976, 7 (German) IPLT IT 1-004 (English, French)</p> <p>IPLT IT 1-005 (English, French) Bl. f. PMZ 1984, 124 (German)</p> <p>GRUR Int 1980, 490 (German) IPLT IT 2-001 (English, French)</p> <p>Bl. f. PMZ 1942, 7 (German) IPLT IT 2-002 (English, French)</p>	<p>DPR No. 641</p> <p>–</p> <p>Dec. of 20.8.92</p> <p>–</p> <p>–</p> <p>PL</p> <p>RD No. 244</p>

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Italy	<p>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</p> <p>[10. Royal Decree No. 1411 of 25 August 1940 Law on utility models, as last amended by DPR No. 338 of 22 June 1979]</p> <p>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</p> <p>[11. Royal Decree No. 1354 of 31 October 1941 Rules on utility models, as last amended by DPR No. 338 of 22 June 1979]</p> <p>12. Legge 14 febbraio 1987, n. 60 Armonizzazione della normativa in materia di brevetti per modelli e disegni industriali con le disposizioni dell'accordo dell'Aja del 6 novembre 1925, e successive revisioni, ratificato con legge 24 ottobre 1980, n. 744</p> <p>[12. Law No. 60 of 14 February 1987 Harmonisation of the provisions governing utility models and industrial designs with those of the Hague Convention of 6 November 1925 and subsequent revisions, ratified by Law No. 744 of 24 October 1980]</p>	<p>G.U., n. 247 del 21-10-1940</p> <p>G.U., n. 300 del 22-12-1941</p> <p>G.U., n. 53 del 5-3-1987</p>	<p>—</p> <p>—</p> <p>Bl. f. PMZ 1988, 301 (German)</p>	<p>—</p> <p>—</p> <p>Law No. 60</p>
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. Treaty between the Swiss Confederation and the Principality of Liechtenstein on Patent Protection (Patent Treaty) of 22 December 1978]</p> <p>2. Ausführungsvereinbarung zum schweizerisch-liechtensteinischen Patentschutzvertrag vom 10. Dezember 1979</p> <p>[2. Implementing-Agreement to the Treaty between Switzerland and Liechtenstein in Respect of Patents of 10 December 1979]</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. Law of 26 September 1979 on the Treaty between the Principality of Liechtenstein and the Swiss Confederation on Patent Protection]</p> <p>For other legal provisions applicable to Liechtenstein see Switzerland Nos. 1-4</p>	<p>LGBl. 1980 Nr. 31</p> <p>LGBl. 1980 Nr. 32</p> <p>LGBl. 1980 Nr. 33</p>	<p>OJ EPO 1980, 407 IPLT LI-CH 2-001 (English, French)</p> <p>OJ EPO 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>

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Luxembourg	1. Loi du 27 mai 1977 portant a) approbation de la Convention sur la délivrance de brevets européens, signée à Munich, le 5 octobre 1973; b) adaptation de la législation nationale en matière de brevets	Mémorial A 1977, 872		
	[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>		Bl. f. PMZ 1978 334 (German) IPLT LU 2-003 (English)	Law of 27.5.77
	2. Règlement grand-ducal du 9 mai 1978 pris en exécution de la loi du 27 mai 1977 portant a) approbation de la Convention sur la délivrance de brevets européens, signée à Munich le 5 octobre 1973 b) adaptation de la législation nationale en matière de brevets	Mémorial A 1978, 528		
	[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>		-	Reg. of 9.5.78
	3. Loi du 30 juin 1880, sur les brevets d'invention, modifiée par la loi du 27 avril 1922, par l'arrêté grand-ducal du 13 octobre 1945 et par la loi du 31 octobre 1978	Mémorial 1880, 405 1922, 381 1945, 784 A 1978, 1658		
	[3. <i>Law of 30 June 1880 on patents, as amended by the Law of 27 April 1922, by the Grand-Ducal Decree of 13 October 1945 and by the Law of 31 October 1978</i>		-	PL
	3 a. Loi du 20 juillet 1992 portant modification du régime des brevets d'invention	Mémorial A-N° 49, 1992, 1529		
	[3 a. <i>Law of 20 July 1992 amending the provisions relating to patents</i> ] * * <i>The entry into force of this law will be laid down by a Grand-Ducal Regulation</i>		-	-
	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	Mémorial A 1967, 796		
	[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>		-	Law of 8.7.67
5. 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			
[5. <i>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	

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Luxembourg	<p>6. 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 modifié en dernier lieu par le règlement grand-ducal du 28 décembre 1989</p> <p>[6. <i>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, as last amended by the Grand-Ducal Regulation of 28 December 1989</i>]</p> <p>7. Règlement grand-ducal du 12 juin 1975 concernant le recouvrement des frais de publication au Mémorial, Recueil administratif et économique</p> <p>[7. <i>Grand-Ducal Regulation of 12 June 1975 on the recovery of the cost of publications in the "Mémorial, Recueil administratif et économique"</i>]</p> <p>8. Arrêté grand-ducal du 21 juin 1947 concernant la prorogation des délais et la restauration des droits en matière de propriété industrielle</p> <p>[8. <i>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>]</p> <p>9. 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 28 décembre 1989</p> <p>[9. <i>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 28 December 1989</i>]</p>	<p>Mémorial A 1980, 2093 A 1985, 1876 A 1989, 1735</p> <p>Mémorial A 1975, 723</p> <p>Mémorial 1947, 613</p> <p>Mémorial 1945, 871 A 1977, 444 A 1985, 1876 A 1989, 1735</p>	<p>Bl. f. PMZ 1983, 226; 1986, 284; 1991, 176 (German)</p> <p>—</p> <p>—</p> <p>—</p>	<p>Fees Reg. of 28.12.89</p> <p>Fees Reg. of 12.6.75</p> <p>—</p> <p>Min. Dec. of 9.11.45</p>
Monaco	<p>1. Loi n° 606 du 20 juin 1955 sur les brevets d'invention modifiée par la loi n° 625 du 5 novembre 1956</p> <p>[1. <i>Law No. 606 of 20 June 1955 on Patents of Invention, as amended by Law No. 625 of 5 November 1956</i>]</p> <p>2. Ordonnance souveraine n° 1476 du 30 janvier 1957</p> <p>[2. <i>Sovereign Ordinance No. 1476 of 30 January 1957</i>]</p> <p>3. Ordonnance souveraine n° 11.996 du 16 juillet 1996 fixant le montant des droits applicables à l'occasion de l'accomplissement des formalités prévues par les textes organisant la protection de la propriété industrielle</p> <p>[3. <i>Sovereign Ordinance No. 11.996 of 16 July 1996 setting the fees payable for the formalities required under the legislation governing the protection of industrial property</i>]</p> <p>4. Ordonnance souveraine n° 10.427 du 9 janvier 1992 concernant le brevet européen</p>	<p>J. M. of 27.6.55 and 19.11.56</p> <p>J. M. of 4.2.57</p> <p>J. M. of 26.7.96</p> <p>J. M. of 17.1.92</p>	<p>—</p> <p>—</p> <p>—</p>	<p>PA</p> <p>SO No. 1476</p> <p>SO (Fees)</p>

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Monaco	<p>[4. <i>Sovereign Ordinance No. 10.427 of 9 January 1992 concerning European patents</i>]</p> <p>5. Arrêté ministériel n° 93-553 du 21 octobre 1993 concernant les modalités de délivrance du brevet européen</p> <p>[5. <i>Ministerial Decree No. 93-553 of 21 October 1993 concerning arrangements for the grant of European patents</i>]</p>	<p>J. M. of 22.10.93</p>	<p>–</p> <p>–</p>	<p>SO No. 10.427</p> <p>MD</p>
Netherlands	<p>1. Rijksoctrooiwet 1995 van 15 december 1994</p> <p>[1. <i>Patents Act of the Kingdom 1995 of 15 December 1994</i>]</p> <p>2. Uitvoeringsbesluit Rijksoctrooiwet 1995 van 20 februari 1995</p> <p>[2. <i>Patent Rules of 20 February 1995</i>]</p>	<p>Stb. 1995, 51, 52</p> <p>Stb. 1995, 108</p>	<p>GRUR Int. 1996, 22 and Bl. f. PMZ 1996, 230 (German) IPLT NL 2-001 (English, French)</p>	<p>PA</p> <p>PR</p>
Portugal	<p>1. Código da Propriedade Industrial Decreto-Lei n° 16/95 de 24 de Janeiro de 1995</p> <p>[1. <i>Industrial Property Code Decree Law No. 16/95 of 24 January 1995</i>]</p> <p>2. Despacho n° 67/95 de 16 de Maio de 1995 , relativo a aspectos formais dos pedidos</p> <p>[2. <i>Dispatch No. 67/95 of 16 May 1995 relating to formal requirements of applications</i>]</p> <p>3. Portaria n° 409/96 de 23 de Agosto, relativa a taxas</p> <p>[3. <i>Order No. 409/96 of 23 August 1996 regarding fees</i>]</p> <p>4. Decreto-Lei n° 15/95 de 24 de Janeiro de 1995 relativo a agente da propriedade industrial</p> <p>[4. <i>Decree Law No. 15/95 of 24 January 1995 regarding official representatives</i>]</p>	<p>Diário I Série-A N° 20/1995, 411</p> <p>Diário II N° 113/1995, 5283</p> <p>Diário I Série-B N° 195/1996, 2670</p> <p>Diário I Série-A N° 20/1995, 408</p>	<p>IPLT PT 1-001 (English, French)</p> <p>–</p> <p>–</p> <p>–</p>	<p>PA</p> <p>–</p> <p>Fees order</p> <p>Dec. Law</p>

Contracting State	1 National provisions	2 Source	3 Translation published in . . . . . (language)	4 Abbreviations used in this synopsis
Spain	<p>1. LEY 11/1986, de 20 marzo, de Patentes</p> <p><i>[1. Patent Law 11/1986 of 20 March 1986]</i></p> <p>2. REAL DECRETO 2424/1986 de 10 de octubre, relativo a la aplicación del Convenio sobre la concesión de patentes europeas hecho en Munich el 5 de octubre de 1973</p> <p><i>[2. Royal Decree 2424/1986 of 10 October 1986 on the Application of the Convention of the Grant of European Patents done at Munich on 5 October 1973]</i></p> <p>3. REAL DECRETO 2245/1986, de 10 de octubre, por el que se aprueba el Reglamento para la ejecución de la Ley 11/1986, de 20 de marzo, de Patentes, modificado por Real Decreto 151/1996 de 2 de febrero 1996</p> <p><i>[3. Royal Decree 2245/1986 of 10 October 1986 approving the Regulation on the implementation of the Patent Law 11/1986 of 20 March 1986, as amended by Royal Decree 151/1996 of 2 February 1996]</i></p> <p>4. Ley 20/1987 de 7 octubre sobre tasas que deben satisfacer los solicitantes y concesionarios de patentes europeas por determinadas actividades a realizar en el Registro de la Propiedad Industrial</p> <p><i>[4. Law 20/1987 of 7 October 1987 governing fees payable by European patent applicants and proprietors for specific acts to be undertaken in the Registry of Industrial Property (Registro de la Propiedad Industrial)]</i></p> <p>5. Ley 12/1995 de 28 diciembre 1995</p> <p><i>[5. Law 12/1995 of 28 December 1995]</i></p>	<p>BOE núm. 73/86, 11188</p> <p>BOE núm. 283/86, 39247</p> <p>BOE núm. 261/86, 36431; 33/96, 4143; 35/96, 4676</p> <p>BOE núm. 241/87, 30150; 312/88, 36470</p> <p>BOE 1995, 37519</p>	<p>Bi. f. PMZ 1987, 21 (German) IPLT ES 2-001 (English, French)</p> <p>Bi. f. PMZ 1987, 177 (German)</p> <p>Bi. f. PMZ 1987, 165 (German)</p> <p>—</p> <p>—</p>	<p>PL</p> <p>RD 2424</p> <p>RD 2245</p> <p>Law No. 20/87</p> <p>Law No. 12/95</p>

Contracting State	1 National provisions	2 Source	3 Translation published in . . . . . (language)	4 Abbreviations used in this synopsis
Sweden	<p>1. Patentlag SFS 1967: 837, omtryckt genom lag SFS 1983: 433, därefter ändrad genom lag SFS 1996: 889</p> <p><i>[1. Patents Act SFS 1967: 837, reprinted SFS 1983: 433 and last amended by Act SFS 1996: 889]</i></p> <p>2. Patentkungörelsen SFS 1967: 838, omtryckt genom förordning SFS 1983: 435, därefter ändrad SFS 1996: 225</p> <p><i>[2. Decree on patent formalities SFS 1967: 838, reprinted SFS 1983: 435 and last amended by Decree SFS 1996: 225]</i></p> <p>3. Lagen om försvarsuppfinningar SFS 1971: 1078, omtryckt genom lag SFS 1978: 157, därefter ändrad genom lag SFS 1993: 1407</p> <p><i>[3. Defence Inventions Act SFS 1971: 1078, reprinted SFS 1978: 157 and last amended SFS 1993: 1407]</i></p> <p>4. Patentbestämmelser PRVFS 1981: 1, omtryckt genom PRVFS 1986: 4 P: 17; PRVFS 1992: 1 P: 23; 1993: 5 P: 27</p> <p><i>[4. Patent Office Regulations PRVFS 1981: 1, reprinted PRVFS 1986: 4 P: 17; PRVFS 1992: 1 P: 23; 1993: 5 P: 27]</i></p>	<p>SFS 1983: 433 1987: 1330 1991: 296 1993: 1406 1994: 234, 1511 1996: 847, 889</p> <p>SFS 1983: 435 1984: 938 1986: 1221 1988: 987 1989: 503 1991: 1331 1993: 197 1993: 1312 1995: 269 1996: 225</p> <p>SFS 1978: 157; 1980: 211; 1986: 1161 1993: 1407</p> <p>PRVFS 1981: 1 1986: 4P: 17 1992: 1 P: 23 1993: 5 P: 27</p>	<p>Bl. f. PMZ 1985, 174; 1995, 141, 142; 1996, 47; (German) IPLT SE 2-001 (English, French)</p> <p>Bl. f. PMZ 1979, 169; 1985, 281; 1989, 346 (German) IPLT SE 2-002 (English, French)</p> <p>—</p> <p>—</p>	<p>PA</p> <p>PD</p> <p>—</p> <p>POR</p>

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 geänderten Fassung vom 3. Februar 1995</p> <p>[1. <i>Federal Law on Patents for Inventions of 25 June 1954, as last amended on 3 February 1995</i>]</p> <p>2. Verordnung über die Erfindungspatente vom 19. Oktober 1977 (Patentverordnung) zuletzt geändert am 25. Oktober 1995</p> <p>[2. <i>Ordinance on Patents for Inventions of 19 October 1977 (Patent Ordinance), as last amended on 25 October 1995</i>]</p> <p>3. Verordnung über die Gebühren des Eidgenössischen Instituts für Geistiges Eigentum vom 25. Oktober 1995 (IGE-GebV)</p> <p>[3. <i>Regulation on the Fees of the Federal Intellectual Property Institute of 25 October 1995 (Fees Regulation)</i>]</p> <p>4. Bundesgesetz über das Verwaltungsverfahren vom 20. Dezember 1968</p> <p>[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)</p> <p>[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. Ausführungsvereinbarung zum schweizerisch-liechtensteinischen Patentschutzvertrag vom 10. Dezember 1979</p> <p>[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 EPO 1980, 407 IPLT LI-CH 2-001 (English, French)</p> <p>OJ EPO 1980, 412 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 (as amended)</p> <p>2. The Patents Rules 1995</p> <p>3. The Patents (Fees) Rules 1995</p>	<p>1977 c. 37 1986 c. 39 1988 c. 48</p> <p>S.I. 1995/2093</p> <p>S.I. 1995/2164</p>	<p>Bl. f. PMZ 1979, 200; 1986, 334; 1991, 260 (German) LTPI UK 2-001 (French)</p> <p>–</p> <p>–</p>	<p>PA</p> <p>PR</p> <p>PFR</p>

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

## II.

European patent applications may be filed at the EPO at Munich, its branch at The Hague, its sub-office in Berlin (however not in Vienna) 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(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(2), Rule 6(1) EPC). If this translation is not filed in due time, the application is deemed to be withdrawn (Article 90(3) EPC).

European divisional applications must always be filed directly with the EPO at Munich, The Hague or Berlin (Article 76(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(5) EPC).







Contracting State Central industrial property office	1 Applicant can choose between EPO and national authorities (subject to column 2)	2 Applications which must be filed with national authorities	3 Languages in which European patent applications must or may be filed with national authorities	4 Official language(s)	5 Special features
<b>Italy</b> Ministero Industria, Commercio e Arti- gianato – D.G.P.I. Ufficio Italiano Brevetti e Marchi Via Molise 19 I-00187 Roma Tel. (+ 39 6) 47 05 30 43 47 05 30 32	Yes, if priority of an application filed in Italy over 90 days previously is claimed and such application has not been made subject to the offi- cial secrets regula- tions or if the applicant has requested and obtained authori- sation from the Ministry for Industry for filing abroad  Art. 1(1) and (2) DPR No. 32/1979	European <u>first</u> <u>applications</u> filed by applicants having a residence or their principal place of business in Italy  Art. 1(2) DPR No. 32/1979	All the languages pursuant to Arti- cle 14(1) and (2) EPC (see also column 5)	Italian	European patent applications may be filed by post (register- ed mail with advice of delivery) directly with the Italian Patent and Trademark Office (Ufficio Italiano Brevetti e Marchi) or handed in to the Provincial Office for Industry, Commerce and Trades (Ufficio provinciale dell'industria, del commercio e dell'artigianato, Via Capitan Bavastro n. 116 - ROMA). European patent applications which are not filed in Italian must be accompanied by a translation of the description and claims and, where appropriate, by a copy of the drawings. This requirement is <u>waived</u> if priority of an application filed in Italy over 90 days previously is claimed and such application has not been made subject to the official secrets regulations, or if the applicant is <u>not resident</u> in Italy (see col. 2).  Art.1(2) and (3) DPR No. 32/1979 Art.1 Dec. of 30.6.82 Circular No. 136 of 20.02.79
<b>Liechtenstein</b>	see Switzerland				
<b>Luxembourg</b> Ministère de l'Economie Service de la Propriété Intellectuelle 19-21, boulevard Royal  L-2914 Luxem- bourg Tel. (+ 35 2) 4 78-41 10 4 78-41 55	Yes  Art. 7 Law of 27.5.77	Applications relat- ing to inventions of relevance to national security  Art. 8 Law of 27.5.77 Law of 8.7.67 Reg. of 18.9.69	All the languages pursuant to Art. 14(1) and (2) EPC	French German Luxembourg	A fee of LUF/BEF 500 is payable for the transmission of the application to the EPO.  Art. 7(2) Law of 27.5.77 Art.1 Reg. of 9.5.78





Contracting State -- Central industrial property office	1 Applicant can choose between EPO and national authorities (subject to column 2)	2 Applications which must be filed with national authorities	3 Languages in which European patent applications must or may be filed with national authorities	4 Official language(s)	5 Special features
<p><b>United Kingdom</b></p> <p>The Patent Office Cardiff Road GB-Newport, Gwent NP9 1RH Tel. (+ 44 16 33) 81 40 00 Fax (+ 44 16 33) 81 44 44</p> <p>or</p> <p>The Patent Office 25 Southampton Buildings Chancery Lane London WC2A 1AY</p>	<p>Yes</p> <p>Sect. 23(1) and (2) PA</p>	<p>Applications by applicants resident in the United Kingdom unless</p> <p>(a) the applicant has filed an application at the United Kingdom Patent Office for the same invention not less than 6 weeks before filing the European patent application outside the United Kingdom and either the comptroller of the Patent Office has not prohibited the publication of the invention under Section 22 PA or any such prohibition has been revoked, or</p> <p>(b) the applicant has obtained written authority from the comptroller of the United Kingdom Patent Office</p> <p>Sect. 23(1) PA (see also column 5)</p>	<p>All the languages pursuant to Art.14(1) and (2) EPC</p>	<p>English</p>	<p>Applications may also be filed by facsimile.*</p> <p>Copies of all forms referred to in the following tables can be obtained from the Newport address given in the left-hand column.</p> <p>re column 2</p> <p>The restrictions do not apply to an invention for which an application was first filed in a country outside the United Kingdom by persons resident abroad.</p> <p>Sect. 23(2) PA</p>

\* see decision of the President of the EPO and notice from the EPO: OJ EPO 1992, 299 and 306

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**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**

**III.**

Under Article 67(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(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(1) is laid down in Article 67(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(3) EPC have been fulfilled.

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

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?
Austria	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
Belgium	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
Denmark	No  § 83 PA	Yes  § 83(1) PA	Compensation reasonable in the circumstances  §§ 58(2) and 83(2) PA	When the translation of the claims is made available to the public in accordance with table III.B., column 7  § 83(2) PA
Finland	No  § 70n PA	Yes  § 70n PA	Damages; Compensation reasonable in the circumstances  § 58, 70n 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 "Patenttilehti" (Finnish Patent Bulletin)  § 70n PA
France	Yes, subject to grant of patent  Art. L. 614-9. Law No. 92-597	Yes  Art. L. 614-9. Law No. 92-597	Damages; possibly seizure of the articles infringing the patent application; the court hearing the infringement action stays proceedings until the patent is granted  Art. L. 614-9. Law No. 92-597	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. L 614-9. Law No. 92-597 Arts. R. 614-9 and R. 614-11 Dec.
Germany	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
Greece	Yes  Art. 23(2) Law No. 1733/87 Art. 10 Pres. Dec. No. 77/88	Yes  Art. 23(3) Law No. 1733/87 Art. 10 Pres. Dec. No.. 77/88	Damages; possibly seizure of the articles infringing the patent application; the court hearing the infringement action can stay decisions until the patent is granted  Art. 17(3) Law No. 1733/87	When the translation of the claims is made available to the public in accordance with table III.B., column 7  Art. 10 Pres. Dec. No. 77/88

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?
Ireland	Yes  Sect. 44, 56, 120 PA	Yes  Sec. 120(6) PA	Damages; action may only be brought after grant of the patent  Sect. 56 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  Sect. 56(1), 120(6) PA
Italy	Yes  Art. 3 DPR No. 32/1979	Yes  Art. 3 DPR No. 32/1979	Damages; possibly description and seizure of the articles infringing the patent application and anything used in the making thereof  Art. 81, 82, 83, 84, 85, 86 PL	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 DPR No. 32/1979;
Liechtenstein	see Switzerland			
Luxembourg	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
Monaco	Yes  Art. 2 SO No. 10.427	Yes  Art. 2(2) SO No. 10.427	Damages and possibly fine; possibly seizure of the articles infringing the patent application  Art. 44, 45, 48, 50 PA	When the translation of the claims is notified to the alleged infringer. (The translation is to be sent only to the alleged infringer and not to the MC-Patent Office.)  Art. 2(2) SO No.10.427
Netherlands	No  Art. 72(1), (2) PA	Yes  Art. 72 (3) PA	Compensation reasonable in the circumstances  Art. 72(1), (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 entered in the patent register  Art. 72(3) PA
Portugal	Yes  Art. 74(1) and Art. 62(6), (7) PA	Yes  Art. 74(1) PA	Seizure Art. 274(1) PA Preliminary injunction Art. 45 PA  The court hearing the infringement action stays proceedings until the patent is granted  Art. 62(8) PA	When the translation of the claims and a copy of the drawings is made available to the public in accordance with table III.B., column 7, or communicated to the user  Art. 74(1) and 62(6), (7) PA

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?
Spain	No  Art. 59 PL Art. 5 RD 2424	Yes  Art. 5 RD 2424	Compensation reasonable in the circumstances  Art. 59 PL	When the translation of the claims is made available to the public in accordance with table III.B., column 7  Art. 5 RD 2424
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	Yes  Sect. 78(7) and (8) PA Rule 80 and Schedule 4: 3 PR	Damages; court proceedings may only be brought after grant of the patent  Sect. 69 PA (see also Sect. 62 PA regarding innocent infringers)	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  Sect. 78(7) PA



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

Contracting State	1 Must a national professional representative be appointed?	2 (a) Special fee payable? (b) If so, when due	3 Language(s) in which the translation must be filed	4 Must a form be used?	5 No. of copies to be filed
Austria	Yes; attorney at law, patent attorney or notary authorised to represent parties on a professional basis in Austria.  § 24 ILPT § 21(4) PA	(a) ATS 1600 plus ATS 350 for the 6th and each subsequent page of the translation (see also column 10) (b) the translation is not published until the fee has been paid  §§ 4(2) and 22 ILPT § 166(10) PA	German   § 4(2) ILPT	No	1
Belgium	Yes. Translations may be validly filed only by a professional representative before the OPRI or by a legal practitioner.       Art. 55(2) and 58 PA (cf. also OJ EPO 1986, 393)	No	French or Dutch (but see column 10)    Art. 3(3) Law of 8.7.77	No	1       Art. 4(1) RD of 27.2.81
Denmark	No, but if the translation does not comply with the requirements in section 83, PA, the Danish Patent Office may require the deficiencies to be corrected by an agent residing in Denmark.  § 12 PA and § 116 PO	No	Danish    § 83(1) PA	No (but recommended)	2

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  § 9 POR	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 publication fee is deemed to have been paid only when proof of payment has duly been provided.  § 22(3) ILPT § 169 PA; § 4(4) RPT
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 18.12.86 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: <ul style="list-style-type: none"> <li>– French or Dutch for natural and legal persons having a residence or their principal place of business abroad</li> <li>– French or Dutch for natural persons resident in Belgium</li> <li>– Private undertakings in Belgium must use the language of the region where their place of business is located.</li> </ul> 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
Yes	Mention in „Dansk Patenttidende“ (Danish Patent Gazette); Inspection in reading room; Copies available  § 83(1) PA §§ 113 and 114(2) PO	Yes  § 86(2) PA	No	The European patent application number and the name and address of the applicant must be given with the translation. Otherwise the translation is deemed not to have been filed. The title of the invention in Danish must also be supplied with the translation.  § 113 PO

Contracting State	1 Must a national professional representative be appointed?	2 (a) Special fee payable? (b) If so, when due	3 Language(s) in which the translation must be filed	4 Must a form be used?	5 No. of copies to be filed
Finland	No	No	Finnish If the applicant's own language is Swedish the translation may be filed in Swedish. The translation must be certified by the applicant or his representative.  § 70n PA § 41a POR	No	1
France	No, but it is recommended that an address for service in France be given. The authorised professional representative before the EPO is not required to file a new authorisation.	(a) FRF 230 (b) Date on which translation is filed (see also column 10)  Art. R. 614-11 and R. 618 Dec. Fees Ord. of 12.1.96	French  Art. L. 614-9. Law No. 92-597	No	1  INPI Notice in PIBD 1995 IV 128
Germany	No	(a) DEM 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 (see also column 10)  § 1 Publ. Reg.	2  § 2 Publ. Reg.

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	Published in the form of printed patent documents; Copies available; Mention in "Patent-tilehti" (Finnish Patent Bulletin); Entry in a separate diary, open to the public  § 70n PA §§ 52t, 52x PD	Yes  § 70q PA	No	The European patent application number and the name and address of the applicant must accompany the translation. Otherwise the translation is deemed not to have been filed.  § 52v PD
(see also column 10)	Notice of the filing of the translation appears in the Official Bulletin (BOPI); Inspection in reading room; Copies available  Art. R. 614-9 Dec.	Yes  Art. L. 614-10. Law No. 92-597	FRF 230  Arts. R 614-12 and R. 614-18 Dec. Fees Ord. of 12.1.96	A request for publication and proof of payment of the requisite fee must be submitted with the translation. Art. R. 614-11 Dec.  The translation may be filed with INPI in Paris or the branch offices in Bordeaux, Grenoble, Lille, Lyon, Marseille, Nancy, Nice-Sophia Antipolis, Rennes, Strasbourg or Toulouse (PIBD 1981 I 15; 1983 I 81; 1985 I 376; 1987 I 53; 1993 I 23; 1994 I 1; 1995 I 103)  The following information must be given in the upper third part of the first page of the translation: - European publication number; - European application number; - Number and date of the European Patent Bulletin in which the application was published; - Application date; - the title of the invention; - the applicant's name; - the IPC; - any priority data, if applicable.  For further formal requirements see the INPI notice in PIBD 1995 IV 128
Yes	Printed publication; Mention in the „Patentblatt“  Art. II, § 2(1) LIPC	Yes	DEM 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 request for the publication of the German translation (see column 4) is not filed using the prescribed form, there are no adverse legal consequences (objection, delay in the publication), in so far as the translation was accompanied by all the prescribed data as laid down in § 1 Publ. Reg.  If the fee shown in column 2 is not paid in time, the translation is deemed not to have been filed. Art. II, § 2(1) LIPC

Contracting State	1 Must a national professional representative be appointed?	2 (a) Special fee payable? (b) If so, when due	3 Language(s) in which the translation must be filed	4 Must a form be used?	5 No. of copies to be filed
Greece	Yes Applicants with neither residence nor principal place of business in Greece must appoint a representative for service (any natural person or any attorney) resident in Greece.  Art. 19 Pres. Dec. No. 77/88	(a) GRD 79 000 * (b) Date on which translation is filed with the OBI; mention of the filing of the translation is published only when the fee has been paid * Note: all fees are revised annually on 1st January  Art. 9(1) Pres. Dec. No. 77/88 Decision of November 1996	Greek The translation must be certified by a Greek legal practitioner or by an authority empowered to do so (ie the Translation Dept. of the Ministry of Foreign Affairs at 3 Voukourestiou street, Athens or any Greek Consulate abroad).  Art. 23(5) Law No. 1733/87 Art. 9(2) Pres. Dec. No. 77/88	No	2  Art. 9(1) Pres. Dec. No. 77/88
Ireland	No, but recommended (see also column 10)  R. 92, 93(1) PR	(a) IEP 30 (b) Date on which translation is filed  R. 84 and Schedule I PR	English (see also column 10)  Sect. 120(6) PA	No	1
Italy	No, but an address for service in Italy must be given.	A fee is payable in respect of <u>one</u> of the copies of the form pursuant to Column 4 (ITL 20000 payable by fee stamps, stamped paper (marca da bollo or carta bollata) <u>or</u> international postal money order (see also column 10); if acknowledgement of receipt is required a fourth form must be submitted in respect of which an additional fee (ITL 20000) is payable).	Italian  Art. 3 DPR No. 32/1979	Yes – in triplicate (if acknowledgement of receipt is required: in quadruplicate; see column 2)	1
Liechtenstein	see Switzerland				

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           Art. 9(3) Pres. Dec. No. 77/88	Mention in „EDBI“; Inspection in reading room; Copies available           Art. 9(5) Pres. Dec. No. 77/88	Yes The issue number and the date of the first publication in „EDBI“ must be indicated.           Art. 13(4) Pres. Dec. No. 77/88	No	The European application and publication numbers, the applicant's name and address and the title of the invention in Greek must be supplied with the translation. Art. 9(2) Pres. Dec. No. 77/88  The filing of the translation is registered in the Records Book (Volume B).           Art. 9(4) Pres. Dec. No. 77/88
Yes           R. 15 PR	Inspection at the Patents Office; Copies available           Sect. 2, 100(3), 120(6) PA R. 65 and Schedule I PR	Yes           Sect. 121(3) PA R. 85 PR	Yes, as in column 2 to be paid within one month of filing the corrected translation if it is desired that the translation be published by the IPO.           Sect. 121(3) PA R. 85 and Schedule I PR	Where there are proceedings before the IPO applicants with neither residence nor place of business in Ireland must be represented by an authorised patent agent and must give an address for service in Ireland which may be that of a patent agent. R. 92, 93(1) PR  The translation shall be verified to the satisfaction of the Controller by the translator as being true to the best of his knowledge and belief.
Yes	Inspection in reading room; Copies available	Yes           Art. 5(4) DPR No. 32/1979	Yes; fee for correction (up to 4 pages) ITL 20000 payable by fee stamps or international postal money order; for every four pages or fraction of four pages: ITL 20000 as above	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 Italian Patent Office in Rome (cf. also OJ EPO 1982, 428).  International postal money orders are to be made payable to the Italian Patent Office in Rome, indicating <b>in Italian</b> the motive of payment.

Contracting State	1 Must a national professional representative be appointed?	2 (a) Special fee payable? (b) If so, when due	3 Language(s) in which the translation must be filed	4 Must a form be used?	5 No. of copies to be filed
Luxembourg	No  Art. 9 <sup>bis</sup> PL	(a) LUF/BEF 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. 2 Reg. of 9.5.78
Monaco	No	No	French	No	1 (see column 10)
Netherlands	No. The authorised professional representative before the EPO is not required to file a new authorisation.	No	Dutch  Art. 72(3) PA	No	2  Art. 15(1) PR
Portugal	Yes (see also column 10)  Art. 10(2) PA Art. 1, 2 Dec. Law	(a) PTE 750 (presentation fee) PTE 7200 (filing fee, if the European patent application has not been filed with INPI) PTE 8200 (publication fee) (b) mention of the filing of the translation is not published until the fee has been paid  Fees Order Art. 78(2) PA	Portuguese  Art. 74(1) PA	Yes INPI presentation form DSP 6	2
Spain	Yes. Translations may be validly filed only by a professional representative.  Art. 155 PL	(a) ESP 12845* (ESP 12015) for translations on magnetic data carrier) (b) the translation is not published until the fee has been paid  * Note: all fees are revised annually on 1st January  Art. 6 RD 2424 Law No. 20/87 Law No. 12/95	Spanish (see column 10)  Art. 5 RD 2424	Yes	3

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	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 LUF/BEF 300  Art. 2(5) Reg. of. 9.5.78	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
./.	./.	Yes  Art. 3(2) SO No. 10427	No	The translation is to be notified only to the alleged infringer (not to the MC-Patent Office).
No national formal requirements are laid down for translations.	Entry in the patent register; Mention in "De Industriële Eigendom"  Art. 72(5), 20(1) PA	No provisions laid down	No	
Yes	Mention in the Industrial Property Bulletin; Inspection in reading room; Copies available  Art. 74(2), (3) PA	Yes  Art. 81(1) PA	PTE 750 (presentation fee)  Fees Order	Applicants with neither residence nor principal place of business in Portugal must have the translation prepared by a professional representative before INPI.  Art. 77 PA
Yes	Inspection in reading room; Copies available; Mention in „Boletín Oficial de la Propiedad Industrial“  Art. 5 and 12 RD 2424	Yes  Art. 12 RD 2424	Yes, as in column 2  Art. 12 RD 2424 Law No. 20/87 Law No. 12/95	Applicants with neither residence nor principal place of business in Spain must have the translation prepared by a patent attorney accredited to OEPM or by a sworn interpreter appointed by the Spanish Ministry of Foreign Affairs.  Art. 6 RD 2424

Contracting State	1 Must a national professional representative be appointed?	2 (a) Special fee payable? (b) If so, when due	3 Language(s) in which the translation must 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) SEK 200 (b) mention of the filing of the translation is not published until the fee has been paid  § 88(1) PA § 45 PD	Swedish; the translation must be certified by the person who made the translation and who is responsible for it  § 88(1) PA §§ 39a, 41 POR	No	2
Switzerland/ Liechtenstein	No, if supplied in accordance with the regulations; the authorised professional representative before the EPO is not required to file a new authorisation.  Art. 13 PA	No	German or French or Italian  Art. 112 PA Art. 4(1) PO	No	1  Art. 112 PA
United Kingdom	No. The authorised professional representative before the EPO is not required to file a new authorisation. (see also column 10)  Rule 30 PR	(a) GBP 35 (b) Date on which translation is filed  Schedule to PFR	English  Sect. 78(7) PA	Yes Form 54/77 in duplicate  Rule 80 and Schedule 4:3 PR	2  Rule 80 and Schedule 4:3 PR





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

### IV.

#### 1. Legal basis

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.

#### 2. Legal position in the Contracting States

Of the 18 Contracting States, sixteen, namely Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Liechtenstein, Netherlands, Portugal, Switzerland, Spain, Sweden and the United Kingdom, have enacted provisions under Article 65(1) and (2), EPC. All these States have prescribed, in accordance with Article 65(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 most Contracting States the **time limit** for filing the translation is **non-extendable**. In the Contracting States Austria, Denmark, Finland, France, Germany, Italy, Netherlands, Portugal, Sweden, Spain, Switzerland/Liechtenstein and the United Kingdom 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. In Switzerland/Liechtenstein it is also possible to request further processing under Art. 46a PA.

The Contracting States Luxembourg and Monaco do not 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.

In all Contracting States, with the exception of Belgium, translations of the patent specification, provided the remaining national requirements are met, are deemed 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).

#### 3. Different sets of claims

If in the event of 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.

**4. Effect of the European patent as a national patent**  
*It should be noted that, subject to Article 68 EPC, a European patent automatically acquires the effect of a national patent granted in a Contracting State on the date the mention of its grant is published in the European Patent Bulletin. Accordingly, no action need be taken by the patentee before the national patent authorities for the European patent to acquire that effect, provided it was published by the EPO in a language prescribed by the State concerned pursuant to Article 65(1) EPC or the State does not require a translation of the patent specification.*

*See Table VI regarding payment of national renewal fees.*

#### 5. Explanatory notes concerning the table

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.

Contracting State	1 Must a national professional 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 be filed	5 Must a form be used?	6 No. of copies to be filed
Austria	Yes; attorney at law, patent attorney or notary authorised to represent parties on a professional basis in Austria.  § 24 ILPT § 21(4) PA	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin  § 5(1), (2) ILPT	(a) ATS 1600 plus ATS 350 for the 6th and each subsequent page of the translation and ATS 350 for the 3rd and each subsequent page of any drawings (b) within period pursuant to column 2  §§ 5(1) and 22 ILPT § 166(10) PA	German  § 5(1) ILPT	No	1
Belgium	Yes. Translations may be validly filed only by a professional representative before the OPRI or by a legal practitioner.  Art. 55 and 58 PA (cf. also OJ EPO 1986, 393)	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin  Art. 5(1) Law of 8.7.77 (see also column 11)	No	French or Dutch (subject to column 11)  Art. 5(1) Law of 8.7.77	No	1  Art. 6(3) RD of 27.2.81
Denmark	No, but if the translation does not comply with the requirements in section 77, PA, the DPO may require the deficiencies to be corrected by an agent residing in Denmark.  §§ 12 and 66 PA	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin  § 77 PA § 112 PO	(a) DKK 2850 plus DKK 80 for each page of the translation (including any drawings) in excess of 35 (b) within the period pursuant to column 2  § 77(1) PA; § 112 PO and § 1(9) Fees Order	Danish  § 77(1) PA	No (but recommended)	1

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  § 9 POR	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(10) PA	The publication fee is deemed to have been paid only when proof of payment has duly been provided.  § 22(3) ILPT § 169 PA § 4(4) RPT  The translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter.
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	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).  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>  The translation must be accompanied by a copy of the drawings in the European patent specification. The quality of the copy must permit direct reproduction in accordance with Rule 35(3) EPC (cf. also OJ EPO 1986, 72).  OPRI has provisionally decided to dispense with translations of European patents granted in German, subject to other decisions by national courts on the validity of the patent in BE.
Yes	Mention of the filing of the translation in "Dansk Patent-tidende" (Danish Patent Gazette); Inspection in reading room; Published in the form of printed patent documents; Printed copies available  § 77(2) and (3) PA	Yes  § 86(1) PA	Yes, cf. column 3(a)  § 86(1) PA § 3 (4) Fees Order	The number of the European patent and the name and address of the patent proprietor must accompany the translation.  § 112(3) PO  The translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter.

<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 professional 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 be filed	5 Must a form be used?	6 No. of copies to be filed
Finland	No	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin  § 70h PA § 52u PD	(a) FIM 500 plus FIM 60 for each page of the translation in excess of four (b) within period pursuant to column 2  § 70h PA § 52u PD Fees Decision	Finnish If the patentee's own language is Swedish, the translation may be filed in Swedish. The translation must be certified by the patentee or his representative  § 70h PA § 41a POR	No	1
France	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 to maintain the patent as amended is published in the European Patent Bulletin (see also column 11)  Art. R 614-8 Dec.	(a) FRF 230 (b) Date on which translation is filed  Arts. R 614-11 and R. 614-18 Dec. Fees Ord. of 12.1.96	French  Art. L. 614-7. Law No. 92-597	No (see however, column 11)  INPI Notice in PIBD 1995 IV 128	1  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	<p>Mention of the filing of the translation and of any corrections in "Patenttilehti" (Finnish Patent Bulletin); Published in the form of printed patent documents; Copies available; Entry in the patent register</p> <p>§§ 70h, 70q PA §§ 38a, 52x, 52y PD</p>	<p>Yes</p> <p>§ 70q PA</p>	<p>Yes, cf. column 3(a)</p> <p>§ 70q PA</p>	<p>The number of the European patent and the name and address of the patent proprietor must accompany the translation.</p> <p>§§ 52u, 52y PD</p> <p>The translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter.</p>
cf. column 5	<p>Mention of the filing of the translation appears in the Official Bulletin (BOPI); Display in reading room; Copies available</p> <p>Art. R 614-9 Dec.</p>	<p>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</p> <p>Art. L. 614-9. Law No. 92-597 PIBD 1981 I 36</p>	<p>Yes, cf. column 3(a)</p> <p>Arts. R 614-12 and R 614-8 Dec. Fees Order of 12.1.96</p>	<p>A proof of payment of the requisite fee must be enclosed with the translation (Arts. R. 614-8 and 614-11 Dec.), which may be filed either with INPI in Paris or with the branch offices in Bordeaux, Grenoble, Lille, Lyon, Marseille, Nancy, Nice-Sophia Antipolis, Rennes, Strasbourg and Toulouse (PIBD 1981 I 15; 1983 I 81; 1985 I 376; 1987 I 53; 1993 I 23; 1994 I 1; 1995 I 103). The following information must be given in the top quarter of the first page:</p> <ul style="list-style-type: none"> <li>- European publication number</li> <li>- Application number</li> <li>- Number and date of the European Patent Bulletin in which the grant was mentioned.</li> </ul> <p>The translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter.</p> <p>For further recommended formal requirements, see also the INPI Notice in PIBD 1995 IV 128. Failure to file the translation in due time is mentioned in the Official Bulletin (BOPI).</p> <p>Art. R 614-10 Dec.</p> <p>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.</p>

Contracting State	1 Must a national professional 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 be filed	5 Must a form be used?	6 No. of copies to be filed
Germany <sup>1</sup>	No	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin  Art. II § 3(1) LIPC	(a) DEM 250 (b) Within period pursuant to column 2  Art. II § 3(1) LIPC No. 113820 fees schedule LPF	German  Art. II § 3(1) LIPC	No	2  § 2 Transl. Reg.
Greece	Yes Applicants with neither residence nor principal place of business in Greece must appoint a representative (any natural person or an attorney) resident in Greece.  Art. 19 Pres. Dec. No. 77/88	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin  Art. 11 Pres. Dec. No. 77/88	(a) GRD 102 000 * (b) Date on which translation is filed with the OBI; mention of the filing of the translation is published only when the fee has been paid  * Note: all fees are revised annually on 1st January  Art. 12 (1), 18 Pres. Dec. No. 77/88 Decision of November 1996	Greek The translation must be certified by a Greek legal practitioner or by an authority empowered to do so (i.e. the Translation Dept. of the Ministry of Foreign Affairs at 3 Voukourestiou street, Athens or any Greek Consulate abroad)  Art. 11(1) Pres. Dec No. 77/88	No	2  Art. 12(1) Pres. Dec. No. 77/88

<sup>1</sup> Applies to European patents whose grant is published in the European Patent Bulletin on or after 1 June 1992

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	Published in the form of a printed patent document; Mention in the Patent Bulletin; Entry in the patent register  Art. II § 3(3) LIPC	Yes Translation of the entire document is required indicating the text matter corrected  Art. II § 3(4) LIPC § 6 Transl. Reg.	Yes, cf. column 3(a) Within one month of receipt of the request  Art. II § 3(4) LIPC No. 113820 fees schedule LPF	The following information should be submitted together with the translation, on a separate sheet signed by the patent proprietor or his representative: – first name and surname/company name and full address of patent proprietor – if a representative is appointed, his first name, surname and address – the application No. and publication No. of the European patent and the title of the invention – the reference number assigned by the DPA, if known  § 1 Transl. Reg.  For patents maintained as amended after opposition proceedings no translation is required if the grant of the patent was mentioned in the European Patent Bulletin prior to 1 June 1992.  Art. II § 3 LIPC in conjunction with Art. 12, 2. CPL
Yes  Art. 12(2) Pres. Dec. No. 77/88	Mention in "EDBI"; Inspection in reading room; Copies available  Art. 13(1) and (2) Pres. Dec. No. 77/88	Yes The issue number and the date of the first publication of the translation in "EDBI" must be indicated  Art. 13(4) Pres. Dec. No. 77/88	No	The European application and publication numbers, the name and address of the patent proprietor as well as the issue number and date of the European Patent Bulletin in which the grant was mentioned must be supplied with the translation.  Art. 12(3) Pres. Dec. No. 77/88  Two copies of the drawings in the European patent specification must be supplied with the translation, even if these contain no textual matter requiring translation.  Art. 12(4) Pres. Dec. No. 77/88

Contracting State	1 Must a national professional 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 be filed	5 Must a form be used?	6 No. of copies to be filed
Ireland	No; see III.B. col.1 and 10  R. 92, 93(1) PR	6 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin (see also column 11)  Sect. 119(6), (7) PA R. 83 PR	(a) IEP 30 (b) within period pursuant to column 2  R. 83(2) and Schedule I PR	English (see also III.B column 10)  Sect. 119(6) PA	No	1
Italy	No, but an internal address for service must be given.	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin  Art. 4(4) DPR No. 32/1979	(a) and (b) A fee is payable in respect of <u>one</u> of the copies of the form pursuant to column 5 (ITL 20000 payable by fee stamps, stamped paper (marca da bollo or carta bollata) <u>or</u> international postal money order, see also column 11); if acknowledgement of receipt is required a fourth form must be submitted in respect of which an additional fee (ITL 20000) is payable.	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. 32/1979	Yes – in triplicate (if acknowledgement of receipt is required: in quadruplicate; see column 3)	1
Liechtenstein	see Switzerland					

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       R. 15 PR	Inspection at the Patents Office; Copies available      Sect. 2, 100(3), 119(6), (8) PA R. 65 and Schedule I PR	Yes      Sect. 119(6) 121(3) PA	IEP 30 within one month of the filing at the IPO of the corrected translation if it is desired that the translation be published      R. 85 and Schedule I PR	The translation shall be verified to the satisfaction of the Controller by the translator as being true to the best of his knowledge and belief.  If the time limit of 6 months for filing the translation cannot be observed in spite of all due care required by the circumstances having been taken, it may be extended at the discretion of the Controller upon request made not later than one month after the time limit and accompanied by a fee of IEP 25.  Sect. 119 (6), (7) PA R. 83, 98 PR Schedule I PR  The translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter.
Yes	Display in reading room; Copies available	Yes; the form required for the purposes of column 5 must be used; the IT Patent Office recommends that the national reference number allocated when the translation was filed be quoted      Art. 5(4) DPR No. 32/1979	Yes; fee for correction (up to 4 pages) ITL 20000 payable by fee stamps or international postal money order; for every four pages or fraction of four pages: ITL 20000 as above	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 IT Patent Office in Rome (cf. also OJ EPO 1982, 428).  The IT Patent Office recommends that a translation of the abstract appearing in the European patent application and a copy of the drawings of the patent specification be filed.  International postal money orders are to be made payable to the Italian Patent Office in Rome, indicating in <b>Italian</b> the motive of payment.

Contracting State	1 Must a national professional 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 be filed	5 Must a form be used?	6 No. of copies to be filed
Netherlands	No	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin (see also column 11)  Art. 52(1), (6) PA Art. 23(1) PR	(a) NLG 55 (b) within period pursuant to column 2  Art. 6(6), 23(3) PR	Dutch; the translation must be certified by a Dutch patent attorney (see also column 11)  Art. 52(1) PA	No	2  Art. 11, 12, 23(4) PR
Portugal	Yes  Art. 10(2) PA Art. 1, 2 Dec. Law	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin  Art. 76(1) PA	(a) PTE 750 (presentation fee) PTE 8200 (publication fee) PTE 7200 (filing fee; this fee applies only if the European patent application has not been filed with INPI or if no translation of the claims has been filed with INPI for the purpose of provisional protection) (b) within period pursuant to column 2; mention of the filing of the translation is published only when the fee has been paid  Art 76(2), 78(2) PA Fees Order	Portuguese  Art. 75 PA	Yes. INPI presentation form DSP6	2

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	<p>Entry in the patent register; Mention of the filing of the translation in "De Industriële Eigendom"; Inspection in reading room; Copies available</p> <p>Art. 19(4), 52(3), (8) PA</p>	<p>Yes; the corrected translation must be certified by a Dutch patent attorney</p> <p>Art. 52(7) PA</p>	<p>Yes, cf. column 3(a)</p> <p>Art. 52(7) PA Art. 6(6) PR</p>	<p>The publication number of the European patent must be indicated on each sheet of the translation. The translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter. The certification referred to in columns 4 and 9 should be in the form of a signed declaration by the patent attorney to the effect that to the best of his knowledge the translation is complete and faithful.</p> <p>Art. 23(4), (5) PR</p> <p>If the translation is filed before the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin, the date of such publication must be indicated.</p> <p>NIPO sends to each European patent (NL) proprietor or his representative a list of important data. Proprietors who have not appointed a patent attorney also receive a "Note of information for proprietors of European patents granted for the Netherlands".</p>
Yes	<p>Mention of the filing of the translation in the Industrial Property Bulletin and in the patent register; Inspection in reading room; Copies available</p> <p>Art. 78(1), 79(2) PA</p>	<p>Yes</p> <p>Art. 81(1) PA</p>	<p>PTE 750 (presentation fee)</p> <p>Fees Order</p>	<p>Patent proprietors with neither residence nor principal place of business in Portugal must have the translation prepared by a professional representative before INPI.</p> <p>The translation must be accompanied by a copy of the drawings, even where there is no textual matter.</p> <p>Art. 77, 76(3) PA</p>

Contracting State	1 Must a national professional 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 be filed	5 Must a form be used?	6 No. of copies to be filed
Spain	Yes. Translations may be validly filed only by a professional representative.  Art. 155 PL	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin  Art. 8 RD 2424	(a) ESP 34260* plus ESP 1375 for each page of the translation in excess of 22 (ESP 29010 plus ESP 1100 for translations on magnetic data carrier) (b) translation is not published until the fee has been paid  *Note: all fees are revised annually on 1st January Art. 9 RD 2424 Law No. 20/87 Law No. 12/95	Spanish (see column 11)  Art. 7 RD 2424	Yes	3
Sweden	Yes. However, the translation and the fee are accepted if supplied in accordance with the regulations. The authorised professional representative before the EPO is not required to file a new authorisation.  § 71 PA	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin  § 60(1) PD	(a) SEK 900 plus SEK 155 for each complete or incomplete page of the translation (including any drawings) in excess of eight (b) within period pursuant to column 2  § 82(1) PA § 45, 64 PD	Swedish; the translation must be certified by the person who made the translation and who is responsible for it.  § 82(1) PA §§ 39a, 41 POR	No	2
Switzerland/ Liechtenstein	No, if supplied in accordance with the regulations; the authorised professional representative before the EPO is not required to file a new authorisation.  Art. 13 PA	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin  Art. 113(2) PA	No	German or 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	<p>Translation and any corrections published in the form of a printed patent document; Mention of the filing of the translation in "Boletín Oficial de la Propiedad Industrial"; Entry in the patent register</p> <p>Arts. 9, 10, 12 RD 2424</p>	<p>Yes</p> <p>Art. 12 RD 2424</p>	<p>Yes, cf. column 3(a)</p> <p>Art. 12 RD 2424 Law No. 20/87</p>	<p>Patent proprietors with neither residence nor principal place of business in Spain must have the translation prepared by a patent attorney accredited to OEPM or by a sworn interpreter appointed by the Spanish Ministry of Foreign Affairs.</p> <p>The translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter.</p> <p>Art. 8 RD 2424</p>
Yes	<p>Mention of the filing of the translation in "Svensk Patenttidning" (Swedish Patent Bulletin); Publication of a printed patent document (and of any corrections to the translation)</p> <p>§ 82(2)-(3) PA</p>	<p>Yes</p> <p>§ 91(1) PA Art. 63 PD</p>	<p>Yes, cf. column 3(a)</p> <p>§ 91(1) PA § 45, 64 PD</p>	<p>The number of the European patent and the name and address of the patent proprietor must accompany the translation.</p> <p>§ 60(2) PD</p> <p>The translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter.</p>
Yes	<p>Display in reading room; Copies available</p> <p>Art. 116(4) PO</p>	<p>Yes</p> <p>Art. 114 PA Art. 116(5) PO</p>	<p>No</p>	<p>The application number of the European patent application or the publication number of the European patent must be indicated when the translation is filed. Textual matter in drawings must also be translated.</p> <p>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.</p> <p>Art. 116(1)-(2) PO</p>

Contracting State	1 Must a national professional 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 be filed	5 Must a form be used?	6 No. of copies to be filed
United Kingdom	<p>No. The authorised professional representative before the EPO is not required to file a new authorisation. (see also column 11)</p> <p>Rule 30 PR</p>	<p>(i) 3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin</p> <p>(ii) extendible by one month under Rule 110(3) or</p> <p>(iii) possibly longer upon request under Rule 110(4) and, if request is allowed, Rule 110(6)</p> <p>Rules 80, 110(3), 110(4), 110(6) and Schedule 4: 2 PR</p>	<p>(a)</p> <p>(i) GBP 35</p> <p>(ii) GBP 135 (with Form 52/77)</p> <p>(iii) GBP 135 (with Form 52/77) followed by a further GBP 135 (with Form 53/77) if the request is granted.</p> <p>(b)</p> <p>(i) within period pursuant to column 2 (i)</p> <p>(ii) on filing of Form 52/77 before the end of the month specified in column 2 (ii)</p> <p>(iii) on filing of Form 52/77, whether or not the period specified in column 2 (i) (including any extension obtained under Rule 110(3) has expired; and again upon filing Form 53/77 if the request is granted.</p> <p>Rule 80 and Schedule 4: 2 PR Schedule to PFR</p>	<p>English (see column 11)</p> <p>Sect. 77(6) PA</p>	<p>Yes</p> <p>column 2 (i) Form 54/77 in duplicate</p> <p>column 2 (ii) Form 52/77</p> <p>column 2 (iii) Form 52/77 generally accompanied by a statutory declaration or affidavit verifying the grounds for the request; followed by the filing (if the request is granted) of Form 53/77.</p> <p>Rules 80, 110(3), 110(4), 110(6) and Schedule 4: 1 PR</p>	<p>2</p> <p>Rule 80 and Schedule 4: 1 PR</p>

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 Science Reference and Information Service, London; Copies available from Patent Office; Mention in the "Official Journal (Patents)"; Entry in the patent register	Yes (a) Form 54/77 (corrections under Sect. 80(3); Rule 80 and Schedule 4: 4) in duplicate  (b) Form 11/77 (corrections under Sect. 117; Rule 91)	(a) GBP 35 Within 14 days from the day on which the corrected translation is filed  (b) GBP 40 due at the same time as filing the corrected translation and request	<p>The translation shall be verified by the translator to the satisfaction of the comptroller as corresponding to the original text of the patent specification.</p> <p>Rule 80 and Schedule 4: 5 PR</p> <p>The translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter.</p> <p>Rule 80 and Schedule 4: 1(2) PR</p> <p>The UK Patent Office will accept translations before the date of mention of the grant of the patent in the European Patent Bulletin is known.</p> <p>A UK address for service should be given when filing the translation. (However, where there are no proceedings before the UK Patent Office, an address for service in the UK is no longer required. In the absence of any notification of an address for service, the proprietor's address on the register will be treated as the address for service, even if that address is outside the UK.)</p> <p>The UK Patent Office will remind the proprietor of the need to file an English translation of the European patent specification.</p>
Rule 80 and Schedule 4:1(3), 1(4) PR	Sect. 77(8) PA Rule 93 PR	Sect. 80(3), 117 PA Rules 80, 91 and Schedule 4: 4 PR	Sect. 80(3), 117 PA Rules 80, 91 and Schedule 4: 4 PR Schedule to PFR	Rule 30 PR



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

V.

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(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(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?
Austria	Translation, if protection conferred is narrower than in the language of the proceedings. § 6(1) ILPT	Yes § 6(6) ILPT
Belgium	No provisions pursuant to Art. 70(3) EPC. Authentic text is that in the language of the proceedings.	–
Denmark	Translation, if protection conferred is narrower than in the language of the proceedings. § 85(1) PA	Yes § 86(3) PA
Finland	Translation, if protection conferred is narrower than in the language of the proceedings § 70p PA	Yes § 70q PA
France	Translation, if protection conferred is narrower than in the language of the proceedings. Art. L. 614-10., Law No. 92-597	Yes Art. L. 614-10., Law No. 92-597
Germany	No provisions pursuant to Art. 70(3) EPC. Authentic text is that in the language of the proceedings.	Yes Art. II § 3(5) LIPC
Greece	Translation, if protection conferred is narrower than in the language of the proceedings. Art.14(2) Pres. Dec. No. 77/88	Yes Art.16 Pres. Dec. No. 77/88
Ireland	Translation, if protection conferred is narrower than in the language of the proceedings. Sect. 121 PA	Yes Sect. 121(4) PA
Italy	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 5(2) DPR No. 32/1979	Yes Art. 5(5) DPR No. 32/1979
Liechtenstein	see Switzerland	
Luxembourg <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
Monaco <sup>1</sup>	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 3(1) SO No.10.427	Yes Art. 3(3) SO No.10.427
Netherlands	No provisions pursuant to Art. 70(3) EPC. Authentic text is that in the language of the proceedings.	–
Portugal	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 80 PA	Yes Art. 81(2) PA
Spain	Translation, if protection conferred is narrower than in the language of the proceedings. Art.11 RD 2424	Yes Art.12 RD 2424
Sweden	Translation, if protection conferred is narrower than in the language of the proceedings. § 90 PA	Yes § 91(3) PA
Switzerland/ Liechtenstein	Translation, if protection conferred is narrower than in the language of the proceedings. Art.116(1) PA	Yes Art.116(2), (3) PA
United Kingdom	Translation, if protection conferred is narrower than in the language of the proceedings. Sect. 80(2) PA	Yes Sect. 80(4) PA

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

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". If a renewal fee becomes due shortly before such publication, it is still to be paid to the EPO. The mention of grant shall in this case not be published until the renewal fee has been paid. Further information on the calculation of the patent years for which "national" renewal fees are to be paid is published in Official Journal 6/1984, p. 272 f.

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.

Contracting State 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																																																																																
<b>Austria</b>  § 8 ILPT	for European patents granted before 1 July 1996  <table border="1"> <thead> <tr> <th>Year</th> <th>ATS</th> <th>Year</th> <th>ATS</th> </tr> </thead> <tbody> <tr><td>3rd</td><td>900</td><td>12th</td><td>5100</td></tr> <tr><td>4th</td><td>900</td><td>13th</td><td>6400</td></tr> <tr><td>5th</td><td>1000</td><td>14th</td><td>7200</td></tr> <tr><td>6th</td><td>1300</td><td>15th</td><td>8000</td></tr> <tr><td>7th</td><td>1400</td><td>16th</td><td>11700</td></tr> <tr><td>8th</td><td>1900</td><td>17th</td><td>14700</td></tr> <tr><td>9th</td><td>2400</td><td>18th</td><td>16000</td></tr> <tr><td>10th</td><td>3400</td><td>19th</td><td>20000</td></tr> <tr><td>11th</td><td>4200</td><td>20th</td><td>24000</td></tr> </tbody> </table> for European patents granted on or after 1 July 1996  <table border="1"> <thead> <tr> <th>Year</th> <th>ATS</th> <th>Year</th> <th>ATS</th> </tr> </thead> <tbody> <tr><td>3rd</td><td>1000</td><td>12th</td><td>7200</td></tr> <tr><td>4th</td><td>1300</td><td>13th</td><td>8000</td></tr> <tr><td>5th</td><td>1400</td><td>14th</td><td>11700</td></tr> <tr><td>6th</td><td>1900</td><td>15th</td><td>14700</td></tr> <tr><td>7th</td><td>2400</td><td>16th</td><td>16000</td></tr> <tr><td>8th</td><td>3400</td><td>17th</td><td>20000</td></tr> <tr><td>9th</td><td>4200</td><td>18th</td><td>24000</td></tr> <tr><td>10th</td><td>5100</td><td>19th</td><td>24000</td></tr> <tr><td>11th</td><td>6400</td><td>20th</td><td>24000</td></tr> </tbody> </table> § 166(3) PA § 8(2) ILPT	Year	ATS	Year	ATS	3rd	900	12th	5100	4th	900	13th	6400	5th	1000	14th	7200	6th	1300	15th	8000	7th	1400	16th	11700	8th	1900	17th	14700	9th	2400	18th	16000	10th	3400	19th	20000	11th	4200	20th	24000	Year	ATS	Year	ATS	3rd	1000	12th	7200	4th	1300	13th	8000	5th	1400	14th	11700	6th	1900	15th	14700	7th	2400	16th	16000	8th	3400	17th	20000	9th	4200	18th	24000	10th	5100	19th	24000	11th	6400	20th	24000	(a) last day of the month in which the date of filing occurred  (b) for the first fee to be paid: 3 months after due date; subsequent fees must be paid by due date  § 8(3) to (5) ILPT	(a) fee for 1st year: beginning of 4th up to end of 12th month after due date; fees for further years: beginning of 1st up to end of 6th month after due date  (b) 20%  § 8(4) and (5) ILPT
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7th	1500	16th	3650																																																																																
8th	1700	17th	3900																																																																																
9th	1900	18th	4200																																																																																
10th	2150	19th	4500																																																																																
11th	2400	20th	4800																																																																																

\* For the first renewal fee to be paid see Article 141(2) EPC

4 Communication of a reminder in cases of non-payment (a) provided for (b) date of despatch	5 Restitutio in integrum (a) provided for (b) time limit for submitting application	6 Appointment of a national professional representative for (a) payment of fees (b) communication of a reminder of non-payment (c) proceedings in respect of restitutio in integrum	7 Information regarding lapse of patent in cases of non-payment of renewal fees
(a) yes, but not mandatory  (b) approximately 1 month after due date in the event of non- or insufficient payment, but requests for payment are not sent abroad (Österreichisches Patentblatt No. 1/1982, p. 28)	(a) yes  (b) 2 months after removal of obstacle; not later than 12 months after expiry of non-observed time limit  § 24 ILPT §§ 129 et seq. PA	(a) no  (b) yes  (c) yes  § 8(6) and § 24 ILPT § 21(4) PA	– entry in Register of Patents  – publication in Patent Bulletin  §§ 46, 79 and 80 PA
(a) no  (b) %	(a) yes  (b) beginning of 7th until end of 8th month from due date  Art. 41 PA	(a) yes, with exception of nation- als of a member state of the European Union  (b) %  (c) yes  Art. 55(2) PA	– confirmation of non-pay- ment on request  – entry in Register of Patents  Art. 40 PA
(a) no, but a postal cheque form will be sent to applicants/representatives residing in Denmark  (b) 2-4 weeks after due date	(a) yes  (b) 2 months after removal of obstacle; not later than 6 months from expiry of period of grace under column 3  § 72 PA	(a) no  (b) no  (c) yes	– publication in "Dansk Patenttidende" (Danish Patent Gazette)  – entry in Register of Patents  § 51 PA § 51(2) PO

Contracting State 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	
<b>Finland</b>  §§ 41, 51, 70I PA	Year FIM    Year FIM 3rd 750    12th 2100 4th 550    13th 2400 5th 650    14th 2700 6th 800    15th 3050 7th 950    16th 3400 8th 1150   17th 3750 9th 1350   18th 4100 10th 1550   19th 4400 11th 1800   20th 4700  Fees Decision	(a) last day of the month in which the date of filing occurred  (b) %.  Note: payment may not be made more than six months before the due date  § 41 PA		(a) 6 months after due date  (b) 20%          § 41 PA Fees Decision				
<b>France</b>  Art. R. 614-16 Dec. Art. L. 612-19 Law No. 92-597 Arts. R. 613-46, R. 613-47 and R. 618-3 Dec.	Year FRF    Year FRF 3rd 210    12th 1655 4th 240    13th 1855 5th 335    14th 2075 6th 660    15th 2315 7th 820    16th 2575 8th 980    17th 2855 9th 1140   18th 3155 10th 1305   19th 3475 11th 1475   20th 3815  Fees Ord. of 12.1.96	(a) last day of the month in which the date of filing occurred  (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  Arts. R. 613-46, R. 613-47 Dec.		(a) 6 months after due date  (b) 3rd – 10th year FRF 115 11th – 20th year FRF 345          Art. L. 612-19. Law No. 92-597 Arts. R. 613-46, R. 613-47 and R. 618-3 Dec. Fees Ord. of 12.1.96				
<b>Germany<sup>1</sup></b>  (Art. II Sect. 7, LIPC	Year DEM    Year DEM 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  LPF	(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				
<b>Greece</b>  Art. 24 Law No. 1733/87 Art. 17 Pres. Dec. No. 77/88	Year GRD    Year GRD 3rd 12 500   12th 63 000 4th 16 000   13th 73 000 5th 19 000   14th 83 000 6th 24 000   15th 93 000 7th 29 000   16th 110 000 8th 34 000   17th 122 000 9th 39 500   18th 134 000 10th 46 000   19th 147 000 11th 53 000   20th 161 000  Note: all fees are revised annually on 1st January  Decision of November 1996	(a) last day of the month in which the date of filing occurred  (b) %.          Art. 24(2) Law No. 1733/87		(a) 6 months after due date  (b) 50%          Art. 24(2) Law No. 1733/87				

\* For the first renewal fee to be paid see Article 141(2) EPC

<sup>1</sup> The German Patent Office allots European patents a national patent number, which must be quoted when payments are made and in any communication with this Office.

<p style="text-align: center;"><b>4</b></p> <p><b>Communication of a reminder in cases of non-payment</b> (a) provided for (b) date of despatch</p>	<p style="text-align: center;"><b>5</b></p> <p><b>Restitutio in integrum</b> (a) provided for (b) time limit for submitting application</p>	<p style="text-align: center;"><b>6</b></p> <p><b>Appointment of a national professional representative for</b> (a) payment of fees (b) communication of a reminder of non-payment (c) proceedings in respect of restitutio in integrum</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 not mandatory; request for payment are not sent abroad</p> <p>(b) approx. 1 month before expiry of period of grace; requests are not sent abroad</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>§ 71a PA</p>	<p>(a) no</p> <p>(b) no, but requests for payment are not sent abroad</p> <p>(c) yes</p> <p>§ 71 PA</p>	<ul style="list-style-type: none"> <li>- publication in "Patentilehti" (Finnish Patent Bulletin)</li> <li>- entry in Register of Patents</li> </ul> <p>§ 55 PA § 40 PD</p>
<p>(a) yes, if payment has not been made by the due date</p> <p>(b) %</p> <p>Art. R. 613-48 Dec.</p>	<p>(a) yes</p> <p>(b) 3 months after communication of decision of the Director of INPI Fee for appeal FRF 500</p> <p>Art. L. 613-22. Law No. 92-597 Art. R. 613-52 Dec.</p>	<p>(a) no</p> <p>(b) no, but is recommended that an address for service in France be given</p> <p>(c) no</p>	<ul style="list-style-type: none"> <li>- determined by decision of the Director of INPI (communication to proprietor of patent)</li> <li>- publication of Decision in Official Bulletin (BOPI)</li> <li>- entry in Register of Patents</li> </ul> <p>Art. L. 613-22. Law No. 92-597 Art. R. 613-50 Dec.</p>
<p>(a) yes</p> <p>(b) %</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>(see also notice No. 4/84 of the President of the German Patent Office in Bl. f. PMZ 1984, 117 = OJ EPO 1984, 275)</p> <p>§ 25 PA</p>	<ul style="list-style-type: none"> <li>- communication to proprietor in accordance with § 17(3) PA</li> <li>- entry in Register of Patents</li> <li>- publication in Patent Bulletin</li> </ul> <p>§ 30(1) and 32(5) PA</p>
<p>(a) yes, to the address for service in Greece (though not laid down by law)</p> <p>(b) approx. 1 month before expiry of period of grace</p>	<p>(a) yes</p> <p>(b) %</p>	<p>(a) Payment must be made by the patentee or a Greek legal practitioner. Patentees with neither residence nor principal place of business in Greece must appoint a representative for service in that country</p> <p>(b) no, but an address for service in Greece must be given.</p> <p>(c) %</p> <p>Art. 19 Pres. Dec. No. 77/88</p>	<p>Publication in EDBI; the loss of rights takes effect as from the date of publication</p> <p>Art. 16(2) Law No. 1733/87</p>

Contracting State 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																																						
<b>Ireland</b>  Sect. 99 PA R. 34 and Schedule I PR	<table border="1"> <thead> <tr> <th>Year</th> <th>IEP</th> <th>Year</th> <th>IEP</th> </tr> </thead> <tbody> <tr><td>3rd</td><td>54</td><td>12th</td><td>209</td></tr> <tr><td>4th</td><td>72</td><td>13th</td><td>225</td></tr> <tr><td>5th</td><td>90</td><td>14th</td><td>245</td></tr> <tr><td>6th</td><td>106</td><td>15th</td><td>264</td></tr> <tr><td>7th</td><td>122</td><td>16th</td><td>281</td></tr> <tr><td>8th</td><td>140</td><td>17th</td><td>301</td></tr> <tr><td>9th</td><td>154</td><td>18th</td><td>322</td></tr> <tr><td>10th</td><td>174</td><td>19th</td><td>345</td></tr> <tr><td>11th</td><td>191</td><td>20th</td><td>369</td></tr> </tbody> </table> Schedule I PR	Year	IEP	Year	IEP	3rd	54	12th	209	4th	72	13th	225	5th	90	14th	245	6th	106	15th	264	7th	122	16th	281	8th	140	17th	301	9th	154	18th	322	10th	174	19th	345	11th	191	20th	369	(a) last day of the month in which the date of filing occurred  (b) % Note: payment may not be made more than four months before the due date. Form No. 4, duly completed, is to be filed with the payment		(a) up to 6 months on request made by or on behalf of the proprietor to the Controller  (b) 1st – 3rd month IEP 9 per month 4th – 6th month IEP 15 per month  (a) + (b) The request for extension and the additional fee must be submitted before expiry of the period of extension specified in the request	
Year	IEP	Year	IEP																																										
3rd	54	12th	209																																										
4th	72	13th	225																																										
5th	90	14th	245																																										
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9th	154	18th	322																																										
10th	174	19th	345																																										
11th	191	20th	369																																										
<b>Italy</b>  Art. 14, DPR No. 32/1979 Art. 47 PL	<table border="1"> <thead> <tr> <th>Year</th> <th>ITL</th> <th>Year</th> <th>ITL</th> </tr> </thead> <tbody> <tr><td>3rd</td><td>60000</td><td>12th</td><td>700000</td></tr> <tr><td>4th</td><td>70000</td><td>13th</td><td>800000</td></tr> <tr><td>5th</td><td>90000</td><td>14th</td><td>900000</td></tr> <tr><td>6th</td><td>130000</td><td>15th</td><td>1100000</td></tr> <tr><td>7th</td><td>180000</td><td>16th</td><td>1100000</td></tr> <tr><td>8th</td><td>250000</td><td>17th</td><td>1100000</td></tr> <tr><td>9th</td><td>300000</td><td>18th</td><td>1100000</td></tr> <tr><td>10th</td><td>350000</td><td>19th</td><td>1100000</td></tr> <tr><td>11th</td><td>500000</td><td>20th</td><td>1100000</td></tr> </tbody> </table> Dec. of 20.8.92	Year	ITL	Year	ITL	3rd	60000	12th	700000	4th	70000	13th	800000	5th	90000	14th	900000	6th	130000	15th	1100000	7th	180000	16th	1100000	8th	250000	17th	1100000	9th	300000	18th	1100000	10th	350000	19th	1100000	11th	500000	20th	1100000	(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.  Art. 47 PL Dec. of 20.8.92		(a) 6 months after due date  (b) ITL 100000  Art. 47 PL Dec. of 20.8.92	
Year	ITL	Year	ITL																																										
3rd	60000	12th	700000																																										
4th	70000	13th	800000																																										
5th	90000	14th	900000																																										
6th	130000	15th	1100000																																										
7th	180000	16th	1100000																																										
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10th	350000	19th	1100000																																										
11th	500000	20th	1100000																																										
<b>Liechtenstein</b>	see Switzerland																																												
<b>Luxembourg</b>  Art. 10, Law of 27.5.77	<table border="1"> <thead> <tr> <th>Year</th> <th>LUF/BEF</th> <th>Year</th> <th>LUF/BEF</th> </tr> </thead> <tbody> <tr><td>3rd</td><td>1200</td><td>12th</td><td>5000</td></tr> <tr><td>4th</td><td>1500</td><td>13th</td><td>5500</td></tr> <tr><td>5th</td><td>1800</td><td>14th</td><td>6000</td></tr> <tr><td>6th</td><td>2200</td><td>15th</td><td>6500</td></tr> <tr><td>7th</td><td>2600</td><td>16th</td><td>7000</td></tr> <tr><td>8th</td><td>3000</td><td>17th</td><td>7500</td></tr> <tr><td>9th</td><td>3500</td><td>18th</td><td>8000</td></tr> <tr><td>10th</td><td>4000</td><td>19th</td><td>8500</td></tr> <tr><td>11th</td><td>4500</td><td>20th</td><td>9500</td></tr> </tbody> </table> Art. 8 PL Fees Reg. of 28.12.89	Year	LUF/BEF	Year	LUF/BEF	3rd	1200	12th	5000	4th	1500	13th	5500	5th	1800	14th	6000	6th	2200	15th	6500	7th	2600	16th	7000	8th	3000	17th	7500	9th	3500	18th	8000	10th	4000	19th	8500	11th	4500	20th	9500	(a) last day of the month in which the date of filing occurred  (b) %  Art. 10 Law of 27.5.77 Art. 2 Fees Reg. of 28.12.89		(a) 6 month after due date <sup>1</sup>  (b) LUF/BEF 100  Art. 10 Law of 27.5.77 Art. 3 Fees Reg. of 28.12.89	
Year	LUF/BEF	Year	LUF/BEF																																										
3rd	1200	12th	5000																																										
4th	1500	13th	5500																																										
5th	1800	14th	6000																																										
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9th	3500	18th	8000																																										
10th	4000	19th	8500																																										
11th	4500	20th	9500																																										
<b>Monaco</b>  Art. 4 PA SO (Fees)	<table border="1"> <thead> <tr> <th>Jahr</th> <th>FRF</th> <th>Jahr</th> <th>FRF</th> </tr> </thead> <tbody> <tr><td>3rd</td><td>160</td><td>12th</td><td>1154</td></tr> <tr><td>4th</td><td>185</td><td>13th</td><td>1340</td></tr> <tr><td>5th</td><td>320</td><td>14th</td><td>1540</td></tr> <tr><td>6th</td><td>440</td><td>15th</td><td>1750</td></tr> <tr><td>7th</td><td>500</td><td>16th</td><td>1780</td></tr> <tr><td>8th</td><td>595</td><td>17th</td><td>1820</td></tr> <tr><td>9th</td><td>678</td><td>18th</td><td>1870</td></tr> <tr><td>10th</td><td>794</td><td>19th</td><td>1980</td></tr> <tr><td>11 h</td><td>970</td><td>20th</td><td>2100</td></tr> </tbody> </table> SO (Fees)	Jahr	FRF	Jahr	FRF	3rd	160	12th	1154	4th	185	13th	1340	5th	320	14th	1540	6th	440	15th	1750	7th	500	16th	1780	8th	595	17th	1820	9th	678	18th	1870	10th	794	19th	1980	11 h	970	20th	2100	(a) last day of the month in which the date of filing occurred  (b) %  Art. 4(2) MD		(a) 6 months after due date  (b) 20%  Art. 5 SO No. 10.427 Art. 4(2) MD	
Jahr	FRF	Jahr	FRF																																										
3rd	160	12th	1154																																										
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11 h	970	20th	2100																																										

\* For the first renewal fee to be paid see Article 141(2) EPC

<sup>1</sup> The provisions of Article 15(3) PL relating only to national patents do not apply to the period for payment of the surcharge.

<p style="text-align: center;"><b>4</b></p> <p><b>Communication of a reminder in cases of non-payment</b> (a) provided for (b) date of despatch</p>	<p style="text-align: center;"><b>5</b></p> <p><b>Restitutio in integrum</b> (a) provided for (b) time limit for submitting application</p>	<p style="text-align: center;"><b>6</b></p> <p><b>Appointment of a national professional representative for</b> (a) payment of fees (b) communication of a reminder of non-payment (c) proceedings in respect of restitutio in integrum</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, to the address for service in Ireland</p> <p>(b) not later than six weeks after due date</p> <p>R 34(5), (6) PR</p>	<p>(a) yes</p> <p>(b) within two years from the date on which the patent lapsed</p> <p>Sect. 37 PA R 35 PR</p>	<p>(a) no</p> <p>(b) no, but an address for service in Ireland must be given</p> <p>(c) yes</p> <p>Sect. 37(2) PA R 34(5), (6), 93(1) PR</p>	<ul style="list-style-type: none"> <li>- entry in Register of Patents</li> <li>- publication in the Patents Office Journal</li> </ul>
<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. 90 PL</p>	<p>(a) no</p> <p>(b) %</p> <p>(c) no, but an address for service in Italy must be given</p> <p>Art. 13 DPR No. 32/1979 Art. 93 PL</p>	<ul style="list-style-type: none"> <li>- communication to interested party</li> <li>- entry in Register of Patents</li> <li>- publication in the Bulletin</li> </ul> <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>	<ul style="list-style-type: none"> <li>- only renewal fees <i>paid</i> are entered in Register of Patents</li> </ul> <p>Art. 15 PL</p>
<p>(a) yes</p> <p>(b) %</p>	<p>(a) no</p> <p>(b) %</p>	<p>(a) no</p> <p>(b) no</p> <p>(c) %</p>	<p>%</p>

Contracting State 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																																				
<b>Netherlands</b>  Art. 61 and 103 PA	<table border="1"> <thead> <tr> <th>Year</th> <th>NLG</th> <th>Year</th> <th>NLG</th> </tr> </thead> <tbody> <tr><td>1st</td><td>480</td><td>10th</td><td>1225</td></tr> <tr><td>2nd</td><td>555</td><td>11th</td><td>1300</td></tr> <tr><td>3rd</td><td>630</td><td>12th</td><td>1400</td></tr> <tr><td>4th</td><td>700</td><td>13th</td><td>1600</td></tr> <tr><td>5th</td><td>775</td><td>14th</td><td>1700</td></tr> <tr><td>6th</td><td>875</td><td>15th</td><td>1775</td></tr> <tr><td>7th</td><td>975</td><td>16th</td><td>1850</td></tr> <tr><td>9th</td><td>1075</td><td>17th</td><td>1950</td></tr> <tr><td>9th</td><td>1150</td><td>18th</td><td>2025</td></tr> </tbody> </table>  Art. 6(7) PR	Year	NLG	Year	NLG	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	9th	1075	17th	1950	9th	1150	18th	2025	(a) last day of the month in which the date of filing occurred  For <u>patents granted as from 1 April 1995</u> fees are due <u>only as from the fifth year</u> after the date of filing.  Art. 61(1), (2) PA  <u>Patents granted before 1 April 1995</u> shall be governed exclusively by the provisions of the 1987 Act.  Art. 103 PA  <b>Important: for the first patent year in respect of which a national renewal fee is due the amount payable is NLG 480, for the second patent year NLG 555, etc.</b>  (b) %	(a) 6 months after due date  (b) NLG 50          Art. 62 PA; Art. 6(8) PR
Year	NLG	Year	NLG																																								
1st	480	10th	1225																																								
2nd	555	11th	1300																																								
3rd	630	12th	1400																																								
4th	700	13th	1600																																								
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9th	1075	17th	1950																																								
9th	1150	18th	2025																																								
<b>Portugal</b>  Art. 85, 278, 279(1), 280, 281 PA Fees Order	<table border="1"> <thead> <tr> <th>Year</th> <th>PTE</th> <th>Year</th> <th>PTE</th> </tr> </thead> <tbody> <tr><td>3rd</td><td>6300</td><td>12th</td><td>21000</td></tr> <tr><td>4th</td><td>7800</td><td>13th</td><td>23600</td></tr> <tr><td>5th</td><td>10000</td><td>14th</td><td>26200</td></tr> <tr><td>6th</td><td>11100</td><td>15th</td><td>28800</td></tr> <tr><td>7th</td><td>12600</td><td>16th</td><td>31500</td></tr> <tr><td>8th</td><td>14200</td><td>17th</td><td>34000</td></tr> <tr><td>9th</td><td>15800</td><td>18th</td><td>37500</td></tr> <tr><td>10th</td><td>17300</td><td>19th</td><td>42000</td></tr> <tr><td>11th</td><td>18900</td><td>20th</td><td>46000</td></tr> </tbody> </table> Fees Order	Year	PTE	Year	PTE	3rd	6300	12th	21000	4th	7800	13th	23600	5th	10000	14th	26200	6th	11100	15th	28800	7th	12600	16th	31500	8th	14200	17th	34000	9th	15800	18th	37500	10th	17300	19th	42000	11th	18900	20th	46000	(a) anniversary of date of filing  (b) %  Note: Payment may not be made more than six months before due date.  Art. 280(1) (c) PA	(a) 6 months after due date  (b) 50%       Art. 281(1) PA Fees Order
Year	PTE	Year	PTE																																								
3rd	6300	12th	21000																																								
4th	7800	13th	23600																																								
5th	10000	14th	26200																																								
6th	11100	15th	28800																																								
7th	12600	16th	31500																																								
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11th	18900	20th	46000																																								
<b>Spain</b>  Art. 17 RD 2424	<table border="1"> <thead> <tr> <th>Year</th> <th>ESP</th> <th>Year</th> <th>ESP</th> </tr> </thead> <tbody> <tr><td>3rd</td><td>2810</td><td>12th</td><td>32220</td></tr> <tr><td>4th</td><td>3510</td><td>13th</td><td>36995</td></tr> <tr><td>5th</td><td>6705</td><td>14th</td><td>41805</td></tr> <tr><td>6th</td><td>9900</td><td>15th</td><td>46590</td></tr> <tr><td>7th</td><td>13070</td><td>16th</td><td>53105</td></tr> <tr><td>8th</td><td>16270</td><td>17th</td><td>59350</td></tr> <tr><td>9th</td><td>19455</td><td>18th</td><td>65740</td></tr> <tr><td>10th</td><td>22650</td><td>19th</td><td>72115</td></tr> <tr><td>11th</td><td>27440</td><td>20th</td><td>78505</td></tr> </tbody> </table> Note: all fees are revised annually on 1st January  Art. 17 RD 2424 Art. 161 PL; Law 12/95	Year	ESP	Year	ESP	3rd	2810	12th	32220	4th	3510	13th	36995	5th	6705	14th	41805	6th	9900	15th	46590	7th	13070	16th	53105	8th	16270	17th	59350	9th	19455	18th	65740	10th	22650	19th	72115	11th	27440	20th	78505	(a) last day of the month in which the date of filing occurred  (b) 1 month from due date       Art. 17 RD 2424 Art. 161 PL	(a) 6 months after expiry of the time limit under column 2(b)  (b) 25% if paid within 3 months, 50% if paid within 6 months after due date  (a) + (b) Once the 6 months have elapsed, renewal may still be secured by paying, before the due date for the next renewal fee, the fee for the 20th year  Art. 17 RD 2424 Art. 82 RD 2245
Year	ESP	Year	ESP																																								
3rd	2810	12th	32220																																								
4th	3510	13th	36995																																								
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\* For the first renewal fee to be paid see Article 141(2) EPC

<p style="text-align: center;">4</p> <p><b>Communication of a reminder in cases of non-payment</b> (a) provided for (b) date of despatch</p>	<p style="text-align: center;">5</p> <p><b>Restitutio in integrum</b> (a) provided for (b) time limit for submitting application</p>	<p style="text-align: center;">6</p> <p><b>Appointment of a national professional representative for</b> (a) payment of fees (b) communication of a reminder of non-payment (c) proceedings in respect of restitutio in integrum</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</p> <p>(b) Every month during the period of grace under col. 3</p>	<p>(a) yes</p> <p>(b) as soon as possible, but not later than 1 year after expiry of non-observed time limit</p> <p>Art. 23 PA</p>	<p>(a) + (b) no</p> <p>(c) yes</p> <p>Art. 23(3) PA</p>	<p>– entry in Register of Patents</p> <p>– publication in „De Industriële Eigendom“</p> <p>Art. 20, 62 PA</p>
<p>(a) yes, but requests for payment are not sent abroad</p> <p>(b) %</p> <p>Art. 9(2), (3) PA</p>	<p>(a) yes</p> <p>(b) within 3 months after publication of the notice of lapse and up to anniversary date of application by paying a surcharge equal to three times the fee due and without prejudice to third party rights.</p> <p>Art. 281 (2), (4) PA</p>	<p>(a) yes</p> <p>(b) Reminders are not sent abroad</p> <p>(c) yes</p> <p>Art. 10(2) PA Art. 1, 2 Dec. Law</p>	<p>– entry in Register of Patents</p> <p>– publication in the Industrial Property Bulletin</p> <p>Art. 36(3), 287(1) PA</p>
<p>(a) no</p> <p>(b) %</p>	<p>(a) yes</p> <p>(b) within 6 months after publication in the “Boletín Oficial de la Propiedad Industrial” of the lapse of patent</p> <p>Art. 117 PL</p>	<p>(a) yes</p> <p>(b) %</p>	<p>– entry in Register of Patents</p> <p>– publication in “Boletín Oficial de la Propiedad Industrial”</p> <p>Art. 49 RD 2245</p>

Contracting State 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																																								
<b>Sweden</b>  § 86 PA	<table border="0"> <tr> <td>Year</td><td>SEK</td><td>Year</td><td>SEK</td></tr> <tr> <td>3rd</td><td>350</td><td>12th</td><td>1950</td></tr> <tr> <td>4th</td><td>500</td><td>13th</td><td>2200</td></tr> <tr> <td>5th</td><td>600</td><td>14th</td><td>2450</td></tr> <tr> <td>6th</td><td>750</td><td>15th</td><td>2700</td></tr> <tr> <td>7th</td><td>900</td><td>16th</td><td>3000</td></tr> <tr> <td>8th</td><td>1050</td><td>17th</td><td>3300</td></tr> <tr> <td>9th</td><td>1200</td><td>18th</td><td>3600</td></tr> <tr> <td>10th</td><td>1450</td><td>19th</td><td>3900</td></tr> <tr> <td>11th</td><td>1700</td><td>20th</td><td>4200</td></tr> </table> § 46 PD and Annex B	Year	SEK	Year	SEK	3rd	350	12th	1950	4th	500	13th	2200	5th	600	14th	2450	6th	750	15th	2700	7th	900	16th	3000	8th	1050	17th	3300	9th	1200	18th	3600	10th	1450	19th	3900	11th	1700	20th	4200	(a) payment must have been made before expiry of the month in which the date of filing occurred  (b) %  § 41 PA	(a) 6 months after due date  (b) 20%  § 41 PA, § 46 PD, Annex B
Year	SEK	Year	SEK																																								
3rd	350	12th	1950																																								
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11th	1700	20th	4200																																								
<b>Switzerland/ Liechtenstein</b>  Art. 119 PA Art. 18 PO Art. 118a PO	<table border="0"> <tr> <td>from the 3rd up to the 20th year from date of filing,</td><td>CHF</td></tr> <tr> <td>for each year</td><td>530</td></tr> </table> Reduced fee on pre-payment of the renewal fees for the period <ul style="list-style-type: none"> <li>– from 3rd to 5th year from date of filing 1 450</li> <li>– from 6th to 10th year from date of filing 2 300</li> <li>– from 11th to 15th year from date of filing 2 300</li> <li>– from 16th to 20th year from date of filing 2 300</li> </ul> Fees Reg. (Annex III)	from the 3rd up to the 20th year from date of filing,	CHF	for each year	530	(a) last day of month in which the date of filing occurred  (b) 3 months from due date          Art. 42 PA	(a) 3 months after expiry of time limit under column 2(b)  (b) CHF 200          Art. 42 PA Fees Reg. (Annex III)																																				
from the 3rd up to the 20th year from date of filing,	CHF																																										
for each year	530																																										
<b>United Kingdom</b>  Sect. 77 PA Sect. 25 PA (see also Official Journal (Patents) 1994, p. 3648)	<table border="0"> <tr> <td>Year</td><td>GBP</td><td>Year</td><td>GBP</td></tr> <tr> <td>5th</td><td>110</td><td>13th</td><td>230</td></tr> <tr> <td>6th</td><td>120</td><td>14th</td><td>260</td></tr> <tr> <td>7th</td><td>130</td><td>15th</td><td>280</td></tr> <tr> <td>8th</td><td>140</td><td>16th</td><td>310</td></tr> <tr> <td>9th</td><td>150</td><td>17th</td><td>340</td></tr> <tr> <td>10th</td><td>170</td><td>18th</td><td>370</td></tr> <tr> <td>11th</td><td>190</td><td>19th</td><td>410</td></tr> <tr> <td>12th</td><td>210</td><td>20th</td><td>450</td></tr> </table> Rule 39(2) PR and Schedule PFR	Year	GBP	Year	GBP	5th	110	13th	230	6th	120	14th	260	7th	130	15th	280	8th	140	16th	310	9th	150	17th	340	10th	170	18th	370	11th	190	19th	410	12th	210	20th	450	(a) anniversary of date of filing  (b) where the first renewal fee is due on, or within three months after, the date of publication in the European Patent Bulletin of the mention of the grant of the patent, that renewal fee may be paid within those three months without any additional fee being charged.  Payment may not be made more than three months before the due date (From 12/77)  Sect. 25 PA R 39(2) PR	(a) 6 months after due date  (b) GBP 24 per month (Form 12/77)          Sec. 25(4) PA Rule 39(6) PR and Schedule PFR				
Year	GBP	Year	GBP																																								
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<p style="text-align: center;"><b>4</b></p> <p><b>Communication of a reminder in cases of non-payment</b> (a) provided for (b) date of despatch</p>	<p style="text-align: center;"><b>5</b></p> <p><b>Restitutio in integrum</b> (a) provided for (b) time limit for submitting application</p>	<p style="text-align: center;"><b>6</b></p> <p><b>Appointment of a national professional representative for</b> (a) payment of fees (b) communication of a reminder of non-payment (c) proceedings in respect of restitutio in integrum</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 not mandatory</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) yes</p> <p>(c) yes</p> <p>§ 72 PA</p>	<ul style="list-style-type: none"> <li>- publication in Patent Bulletin</li> <li>- entry in Register of Patents</li> </ul> <p>§ 51 PA § 42 PD</p>
<p>(a) yes, but request for payment are not send abroad</p> <p>(b) approx. 10 weeks before expiry of period of grace; requests are not sent abroad</p> <p>Art. 18d 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><u>Further processing possible</u> Art. 46a (4) PA</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 Art. 18d PO</p>	<ul style="list-style-type: none"> <li>- communication to proprietor of patent</li> <li>- entry in Register of Patents</li> <li>- publication in Patent Bulletin</li> </ul> <p>Art. 15 PA Art. 18b, 94, 117 PO</p>
<p>(a) yes (reminders can be sent to addresses outside the UK)</p> <p>(b) within 6 weeks after the due date</p> <p>Sect. 25(5) PA Rule 39(4), (5) PR</p>	<p>(a) yes</p> <p>(b) within 19 months from the date on which the patent ceased to have effect</p> <p>Sect. 28 PA Rule 41 PR</p>	<p>(a) + (b) no</p> <p>(c) no, but an address for service in the United Kingdom must be given</p> <p>Rule 30 PR (see also Rule 45 PR)</p>	<ul style="list-style-type: none"> <li>- communication to applicant (notice of cessation)</li> <li>- entry in Register of Patents</li> <li>- publication in the "Official Journal (Patents)"</li> </ul> <p>Sect. 32(2), 123 (6) PA Rule 42, 48 PR</p>



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

## VII.

### 1. Basis for conversion

Under Article 135(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(5) (delay by national authorities in forwarding the European application) or Article 162(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) a communication has been notified that the application is deemed to be withdrawn, or
- (c) a decision has been notified refusing the application or revoking the European patent.

The equivalence of the European patent to a regular national filing lapses if the request is not filed in due time (Article 135(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 DEM 100 (or the equivalent in other currencies pursuant to Article 6(4) of the Rules relating to Fees) has been paid to the Office (Article 136(1) EPC).
- (b) If the applicant has been notified that the European patent application is deemed to be withdrawn pursuant to Article 77(5) EPC, the request must be filed with the central industrial property office with which the application was filed (Article 136(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(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(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(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(2) (b) EPC).

<sup>1</sup>Article 162(4) is irrelevant to applications filed since 1 December 1979 (OJ EPO) 1979, 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 professional representative be appointed?	5 Special features
Austria	Deemed withdrawal pursuant to Art. 77(5) EPC  § 9(1) ILPT	(a) Payment of the filing fee (ATS 700; if applicable ATS 700 for each priority claimed) The request for conversion is liable to a stamp duty of ATS 120. Stamp duty of ATS 30 is payable for each page of enclosure. (b) Filing, in duplicate, of a German translation (c) Appointment of an attorney at law, patent attorney or notary authorised to represent parties on a professional basis in Austria, if the applicant has neither a residence nor his principal place of business in Austria  § 9(2) ILPT §§ 94(2), 166(1) PA § 24 ILPT §§ 21(4) 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 a representative, then they are valid only if he supplies an authorisation within the time limit set by the Austrian Patent Office or refers to a granted authorisation  § 9(2) ILPT § 21(3) PA	All procedural steps connected with the conversion must be taken by an attorney at law, patent attorney or notary authorised to represent parties on a professional basis in Austria  § 24 ILPT § 21(4) PA	The European patent application may also be converted into an application for a utility model.
Belgium	Deemed withdrawal pursuant to Art. 77(5) EPC  Art. 8 Law of 8.7.77	(a) Payment of: (aa) national filing fee (BEF 2000); (ab) stamp duty – for the duplicate of – – the description (BEF 200) – – the claims (BEF 200) – – each sheet of the drawings (BEF 200) – for the patent certificate (BEF 200) (b) Filing, in triplicate, of a translation including the abstract and, as the case may be, drawings (cf. Column 5); (c) Any renewal fees due  Art. 8 Law of 8.7.77; Art. 10 RD of 27.2.81; DR of 26.6.47 (cf. also table VIII, column 3)	3 months after receipt by OPRI of the request for conversion  Art. 8 Law of 8.7.77	The procedural steps referred to in column 2 must be taken by a professional representative before the OPRI or by a legal practitioner  Art. 55(2) PA	The translation referred to in column 2(b) 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 IIB., 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 EP 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 professional representative be appointed?	5 Special features
Denmark	Deemed withdrawal pursuant to Art. 77(5) EPC  § 88 PA	(a) Payment of the filing fee (DKK 3000 + DKK 300 for the 11th and each subsequent claim); (b) Filing, in duplicate of a Danish translation; (c) Appointment of a national representative, if the applicant has neither a residence nor his principal place of business in Denmark  § 88 PA § 110(2) PO	(a) + (b): within 3 months of the DPO's notifying the applicant of receipt of the request for conversion  § 110 PO	The procedural steps referred to in column 2 may be taken by the applicant or his representative before the EPO. All subsequent procedural steps must be taken by an authorised national representative  § 12 PA	If the European patent application was filed with another national authority, the request for conversion must be <u>received</u> by the DPO within 20 months of the date of filing or priority.  § 88(1) PA  In the case indicated in column 1 the European patent application may also be converted into a national application for a utility model.  § 26 Utility Models Act
Finland	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 was not filed in time.  § 70s PA	(a) Payment of the filing fee (FIM 1200 + FIM 120 for the 11th and each subsequent claim) (b) Filing in triplicate of a Finnish translation (see col. 5)  § 8, 70s PA	(a) + (b) 3 months after notification of the request by the Finnish Patent Office  § 70s PA § 52s PD	The procedural steps referred to in column 2 may be taken by the applicant or his representative before the EPO. All subsequent procedural steps must be taken by an authorised national representative  § 12 PA	In the cases indicated in column 1 the European patent application may be converted into a national application for a utility model.  § 8a Utility Models Act  The description, abstract and claims shall be written in Finnish or Swedish in compliance with the language laws in force. If the abstract and the claims are written in only one of the two national languages, the Patent Authority shall have them translated into the other national language and the applicant shall pay the prescribed translation fee (FIM 220 for each page). Where the applicant is a foreigner the description shall be written in Finnish and the abstract and the claims in Finnish and Swedish.  § 8 PA



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 professional representative be appointed?	5 Special features
<b>Greece</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 was not filed in time  Art. 23(10)(f) Law No. 1733/87 Art. 20 Pres. Dec. No. 77/88	(a) Payment of the filing fee (GRD 25 000); (b) Filing, in duplicate, of a Greek translation of the patent application Note: all fees are revised annually on 1st January  Art. 21(1) and (2) Pres. Dec. No. 77/88 Decision of November 1996	(a) Proof of payment must be submitted together with the request for conversion within 3 months from the date on which the EPO has notified the applicant that the application is deemed to be withdrawn. (b) 4 months after receipt by OBI of the request for conversion  Art. 21(1) and (2) Pres. Dec. No.77/88	The procedural steps referred to in column 2 must be taken by the applicant or by a Greek legal practitioner  Art. 19 Pres. Dec. No. 77/88	The request for conversion is entered in the Records Book, Volume A "National applications".  Art. 21(3) Pres. Dec. No. 77/88  In the cases indicated in column 1 the European patent application may also be converted into a national application for a utility model.  Art. 21 Pres. Dec. No. 77/88 Art. 19/6 Law No. 1733/87
<b>Ireland</b>	Deemed withdrawal pursuant to Art. 77(5) EPC  Sect.122(1) PA Rule 86 PR	(a) request for conversion (b) payment of the conversion fee (IEP 25) and of the filing fee (IEP 117) (c) Filing, in duplicate, of an English translation of the patent application and any amendments previously made (d) designation of the inventor or indication of the applicant's right to be granted the patent  Sect.17(2), 122(2) PA Rule 86(1) and Schedule 1 PR	(b) to (d) 2 months from receipt by the Controller of the request for conversion or, where the European patent application was not filed at the IPO, within 2 months from date of notification by the Controller to the applicant of receipt of a request from the Central Industrial Property Office of another Contracting State where the European patent application was filed  Sect.122 PA Rule 86 PR	yes, if the applicant is not resident or does not have his principal place of business in Ireland  Rule 93(1) PR	

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 professional 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 was not filed in time (cf. column 5)  Art. 6 DPR No. 32/1979	(a) Request for conversion on stamped paper (ITL 20000) (b) Payment of – the national filing fee (ITL 80000); – the renewal fees for the 1st to 3rd years (ITL 135000); – the publication fee 100000 to 120000 according to size + ITL 29000 per page of drawings) (c) Filing of an Italian translation of the abstract, the description, the claims and of the priority document, if any;  Art. 7(2) DPR No. 32/1979	(b) to (c): In response to a request by the Italian Patent Office giving at least 2 months for compliance  Art. 7(2) DPR No. 32/1979	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(d): The Italian Patent Office first requires the applicant to give an address for service; only then does it dispatch the request referred to in column 3. 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. 32/1979). European patent applications refused by the EPO, withdrawn or deemed to be withdrawn may be converted into an application for registration of a utility model. The same applies to European patents revoked for Italy.  Art. 6(2) DPR No. 32/1979 Art. 8 Law No. 60
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 (LUF/BEF 100); – 1st renewal fee (LUF/BEF 700) and of further renewal fees due on the date of receipt of the request for conversion – the publication fee (LUF/BEF 175); (b) Filing, in triplicate, of a German, French or Luxembourg translation; (c) 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 must be taken by a representative entitled to practise in Luxembourg  Arts. 9 and 9 <sup>bis</sup> 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 professional representative be appointed?	5 Special features
<b>Monaco</b>	Deemed withdrawal pursuant to Art. 77(5) EPC  Art. 6 SO No.10.427	(a) Payment of – national filing fee (FRF 260); – priority fee (FRF 100 for the second and any additional priority) (b) Filing of a French translation  SO (Fees)	a) + (b) 3 months after receipt by the applicant of the communication for conversion. An additional time limit of 1 month from date of notification by the MC-Patent Office will be granted subject to a 20% surcharge on the amounts due.  Art. 3 MD	The procedural steps referred to in column 2 may be taken by the applicant or his representative before the EPO. Appointment of a national representative for subsequent procedural acts is not required.	
<b>Netherlands</b>	Deemed withdrawal pursuant to Art. 77(5) EPC  Art. 47 PA	(a) Payment of the national filing fee (NLG 325); (b) Filing, in duplicate, of a Dutch translation; (c) Appointment of a national patent attorney, if the applicant has no residence in the Netherlands  Art. 48(2) PA	(a) and (b) 3 months after receipt of the request for conversion  Art. 48(2) PA	The procedural steps referred to in column 2(a) and (b) may be taken by the applicant or his national patent attorney	A certification of the translation referred to in column 2(b) must be filed if required by NIPO.  Art. 48(2) PA
<b>Portugal</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.  Art. 82(1), (2) PA	(a) Payment of the presentation fee (PTE 750), the filing fee (PTE 7200), the publication fee (PTE 8200) (INPI form DSP 1) (b) Filing of a Portuguese translation (c) Appointment of a national professional representative, if the applicant has neither a residence nor principal place of business in Portugal  Art. 82(3), (4), (5) PA Fees Order	(a) + (b) two months after receipt by INPI of the request for conversion  Art. 82(4) PA	The procedural steps referred to in column 2 must be taken by a national professional representative  Art. 82(5) PA	The European patent application may also be converted into an application for a utility model. The same applies to European applications refused by the EPO, withdrawn or deemed to be withdrawn.  Art. 83 PA

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 professional representative be appointed?	5 Special features
Spain	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 was not filed in time (see also column 5)  Art. 13 RD 2424	(a) Payment of – filing fee (ESP 8770) * – fee for each foreign priority (EPS 2635) – any renewal fees due (b) Filing, in triplicate, of a Spanish translation of the patent application (c) Appointment of a national representative, if the applicant has neither a residence nor his principal place of business in Spain * Note: all fees are revised annually on 1st January  Art. 14 RD 2424	(a) to (c): 2 months after receipt by the Spanish Patent Office of the request for conversion  Art. 14 RD 2424	The procedural steps referred to in column 2(a) and (b) 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. All subsequent procedural steps must be taken by a national representative  Art. 14 RD 2424	The European patent application may be converted into an application for a utility model. The same applies to applications refused by the EPO, withdrawn or deemed to be withdrawn.  Art. 15 RD 2424
Sweden	Deemed withdrawal pursuant to Art. 77(5) EPC  § 93(1) PA	(a) Payment of filing fee (SEK 800 filing fee + SEK 3000 search fee + SEK 100 for the 11th and each subsequent claim); (b) Filing, in duplicate, of a Swedish translation; (c) Appointment of a national representative, if the applicant has neither a residence nor his principal place of business in Sweden  § 93(1) PA § 66(2) PD	(a) and (b) 3 months after acknowledgement by the Swedish Patent Office of receipt of the request for conversion;  § 66(1) PD  (c) As soon as possible after filing of the request for conversion	The procedural steps referred to in column 2(a) and (b) may be taken by the applicant or his representative before the EPO. All subsequent procedural steps must be taken by a national representative  § 12 PA	If the European patent application was filed with another national authority, the request for conversion must be received by the Swedish Patent Office within 20 months of the date of filing or priority.  § 93(1) PA

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 professional representative be appointed?	5 Special features
Switzerland/ Liechtenstein	<p>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 was not filed in time (for applications filed in Italian); 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</p> <p>Art. 121 PA</p>	<p>(a) Payment of national filing fee (CHF 200 + CHF 50 for the 11th and each subsequent claim);</p> <p>(b) Filing of a single copy of a translation in one of Switzerland's official languages;</p> <p>(c) Appointment of a national representative, if the applicant has neither a residence nor his principal place of business in Switzerland or Liechtenstein;</p> <p>(d) Payment of renewal fees already due</p> <p>Arts. 13, 49(3), 55a and 123 PA; Art. 118 PO Fees Reg., Annex III</p>	<p>(a) to (c): time limit set by the Institute</p> <p>(d) 6 months from a request by the Institute (surcharge payable from 4th month)</p> <p>Art. 118 PO</p>	<p>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. All subsequent procedural steps must be taken by a national representative.</p> <p>Art. 13 PA</p>	<p>If the applicant has his residence or principal place of business abroad, he is first required to appoint a Swiss representative in the time limit set by the Institute. The representative is then requested to take all subsequent procedural steps.</p> <p>Text in the drawings may, if admissible, be translated during the national procedure. A translation of the request and search report is not required.</p>



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, IX).

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 5.160.000	(a) payment to the Giro account (b) transfer to the Giro account  § 4 RPT	re 3(a) date of inpayment an Austrian post office or the Austrian "Postsparkasse" re 3(b) date on which credited to the Patent Office Giro account indicated in column 2  § 4 RPT
Belgium	RD (Fees)	Office de la Propriété Industrielle auprès du Ministère des affaires économiques 1000 Bruxelles Compte de chèques postaux n° 000-2005880-17	(a) cash payment (b) payment to Giro account (c) postal money order (mandat poste) (d) transfer to Giro account (e) payment order ("par assignation") (f) bank/postal cheque (g) international money order (h) debiting a deposit account  With exception of nationals of a member state of the European Union persons not having either a residence or their principal place of business in Belgium must make payments via a professional representative before the OPRI or via a legal practitioner.  Arts. 4, 5, 8 RD of 18.12.86	re (a) date of payment at OPRI re (b) and (c) 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 (d)") re (d) date on which credited to the Giro account indicated in column 2 re (e) date on which drawer's account is debited by the postal giro office re (f) and (g) date of receipt at OPRI re (h) date of receipt of the debit order at OPRI  Arts. 5, 6, 8 RD of 18.12.86
Denmark	PA Order on patent fees	Patentdirektoratet Postgiro 4 02 05 53	(a) cash payment (b) postal money order (c) cheque drawn on a Danish bank and made payable to the DPO in Danish currency (d) (cabled) transfer to a Danish bank in favour of the giro account indicated in column 2	re 3(a) data of receipt of payment at the DPO re 3(b) date on which money order is handed in at a Danish post office re 3(c) date of receipt of the cheque at the DPO re 3(d) date on which credited to the giro account indicated in column 2
Finland	PA Fees Decision	Patentti- ja rekisterihallitus POSTIPANKKI BANK LTD Finland 800015-47908	(a) cash payment (b) postal money order (c) cheque drawn on a Finnish bank and made payable to the FI Patent Office in Finnish currency (d) (cabled) transfer to a Finnish bank in favour of the giro account indicated in column 2	re 3(a) date of receipt of payment at the FI Patent Office re 3(b) date on which money order is handed in at a Finnish Post Office re 3(c) date of receipt of the cheque at the FI Patent Office re 3(d) date on which credited to the giro account indicated in column 2

Contracting State	1 National provisions	2 Accounts	3 Methods of payment	4 Date considered as the effective payment date
France	Fees Ord. of 12.1.96	Payments to be made to "Au nom de l'Agent comptable de l'Institut national de la propriété industrielle" 26 bis, rue de St Pétersbourg F-75800 Paris Cedex 08 CCP* Paris account No. 0906017G020 établissement 30041 guichet 00001 Clé 04  *(compte de chèques postaux)	(a) cash payment (b) postal cheque (c) bank cheque (d) postal money order (mandat-lettre) (e) postal money order (mandat-carte) (f) transfer to Giro account  Art. 5 Fees Ord. of 12.1.96	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 postal money order is issued (as stamped by post office) re (f) date on which credited to the Giro account indicated in column 2  Art. 5 Fees Ord. of 12.1.96
Germany	LPF RFP	Deutsches Patentamt AGB POSTBANK München 791 91-803 (BLZ 700 100 80)  Landeszentralbank München 700 010 54 (BLZ 700 000 00)	(a) Delivery or remittance to the DPA cash office in Munich or Berlin of: – fees vouchers – cheques drawn on a banking establishment in Germany – debit orders (Form V 1244) for a special account with Dresdner Bank AG Munich (b) transfer (c) cash deposit with deposit slip at the Postbank or any other bank or savings bank into an account held by the DPA cash office in Munich or Berlin (d) cash payment  § 1 RFP	re 3(a) date of receipt of the payment at DPA. In the case of cheques or debit orders: only if the sum is paid on presentation re 3(b) date on which payment is credited to one of the accounts held by the DPA cash office re 3(c) date of inpayment re 3(d) date of receipt at DPA cash office in Munich or Berlin  § 3 RFP
Greece	Decision of November 1996	OBI Organismos Biomichanikis Idioktissias Credit Bank Maroussi Branch 64 Kifissias Avenue GR-15125 Athens account no. 146002786001753	(a) cash payment (b) bank or postal cheque made out to the order of the OBI (c) transfer order to the Credit Bank  Art. 4(1) Decision of 14.12.87	re (a) date of receipt of the payment at the OBI's cash office re (b) date of receipt of the cheque at the OBI's cash office re (c) date on which amount is credited to the account held by OBI with Credit Bank  Art. 4(2) Decision of 14.12.87

Contracting State	1 National provisions	2 Accounts	3 Methods of payment	4 Date considered as the effective payment date
Ireland	PA PR	-	<p>Fees must be paid in IEP.</p> <p>(a) cash payment if not exceeding IEP 50 and paid at the IPO</p> <p>(b) cheque payable to The Minister for Enterprise and Employment crossed „and Co.“, guaranteed to the satisfaction of the Controller, and drawn on any bank carrying on business in Ireland</p> <p>Payment by a person outside Ireland</p> <p>(c) bankers draft or</p> <p>(d) Post Office money order payable to The Minister for Enterprise and Employment crossed “and Co.”</p>	<p>re 3(a) date of payment at IPO</p> <p>re 3(b) to (d) date of receipt at IPO</p>
Italy	Decision of 20.8.92	<p>(a) renewal fees for European patents: c/c n. 81016008* Ufficio del Registro Tasse e Concessioni governative imposte sui brevetti europei</p> <p>(b) other fees: c/c n. 00668004* Ufficio del Registro Concessioni governative Roma – brevetti e pellicole</p> <p>*conto corrente postale (Giro account)</p>	<p>Payment at any Italian post office using the prescribed form (Ch 8 quater). The payment voucher (Section 4) has to be presented to the Italian 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 postal giro transfers provided a supplement of ITL 1000 is included to cover postal giro charges</p>	<p>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</p>
Liechtenstein	see Switzerland			
Luxembourg	<p>PL (Article 8)</p> <p>Min. Dec. of 9.11.45 (Article 3)</p> <p>Fees Reg. of 16.12.80, as amended by the Reg. of 28.12.89</p>	<p>Administration de l'Enregistrement et des Domaines, Bureau des successions et de la taxe d'abonnement</p> <p>Bureau des chèques postaux Luxembourg compte n° 24373-26</p> <p>Caisse d'Epargne de l'Etat Luxembourg compte n° 1002/4423-5</p>	<p>(a) cash payment (b) postal money order (c) bank cheque (d) bank or post office transfer or payment</p>	<p>re 3(a) and (b) date on which the amount is entered in the accounts by the competent payments officer of the „Administration de l'Enregistrement et des Domaines“</p> <p>re 3(c) date of receipt of the cheque by the competent payments officer, only if sum is paid on presentation</p> <p>re 3(d) date on which amount is credited to one of the accounts indicated in column 2</p>

Contracting State	1 National provisions	2 Accounts	3 Methods of payment	4 Date considered as the effective payment date
Monaco	PA SO No. 1476 SO No. 10.427 SO (Fees)	Trésorerie Générale des Finances (TGF) (rubrique 012104 - DCIPI brevets)  Crédit Lyonnais 1, Avenue des Citronniers MC Monte-Carlo account no. 0000063074 G Clé rib 72 Code banque 30002- Code guichet 03214	(a) cash payment (b) bank cheque or postal cheque (c) bank transfer	re 3(a) date of receipt of the payment at the MC-Patent Office re 3(b) date of receipt at the MC-Patent Office; the date marked by postal date stamp will be considered as proof re 3(c) date on which the amount is credited to the account  Art. 40 SO No. 1476
Netherlands	PA PR	Postbank account 17300 Netherlands Industrial Property Office, Rijswijk  ABN/AMRO bank account 404500714	(a) cash payment (b) transfer or payment to the Postbank or ABN/AMRO bank account (c) cheque made out in NLG (d) debit from a deposit account with NIPO	re 3(a) and 3(c) date of receipt of the payment or cheque at NIPO re 3(b) date on which credited to one of the accounts indicated in column 2 re 3(d) date of receipt of debit order
Portugal	Art. 85, 278, 279 PA Fees Ord.	/	Fees must be paid in PTE. (a) cash payment (b) cheque (c) postal order  Art. 279(1) PA  <b>Persons not having either a residence or their principal place of business in Portugal must make payments via a professional national representative</b>	re 3(a) date of receipt of payment at INPI 3(b) and 3(c) date of post stamp
Spain	Law 17/1975	Oficina Española de Patentes y Marcas E-28071 Madrid  Caja Postal de Ahorros 6474376 - 9091.0 Industria, Paseo de la Castellana, nº 160	(a) transfer to the Giro account (b) certified cheque which is made payable to the OEPM (c) postal money order (giro postal)  <b>Persons not having either a residence or their principal place of business in Spain must make payments via a professional national representative</b>	re 3(a) date on which credited to the account indicated in column 2 re 3(b) date of receipt of the cheque at OEPM re 3(c) date of inpayment at an ES post office
Sweden	PA PD	Patent- och registreringsverket Postgiro 15684-4 Bankgiro 5050-0248	(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 accounts indicated in column 2	re 3(a) date of receipt of payment at SE Patent Office re 3(b) and (c) date of receipt of postal money order/cheque at the SE Patent Office re 3(d) date on which credited to one of the accounts 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.	Eidgenössisches Institut für Geistiges Eigentum Postscheckkonto Bern 30-4000-1	(a) debit from a current account with the Institute (b) payment or transfer to Giro account (c) postal money order (d) delivery or remittance of cheques drawn on a banking institution in Switzerland and made out to the Institute (e) cash payment  Art. 4 Fees Reg.	re 3(a) – (d) date on which credited to an account of the Institute re 3(e) date of receipt of payment at the Institute  If a payment is credited after the date indicated by the Institute, an earlier date is considered as receipt of payment if evidence is supplied by the stamp of the Swiss Post Office on the payment voucher, the giro voucher, the postal money order or by an equivalent document of a Swiss Post Office. If a payment order carries a value date after the time limit fixed by the Institute it is not possible to claim the evidence mentioned above.  Payment by cheque is valid only if the cheque is paid on presentation by the bank on which it is drawn.  Art. 6 Fees Reg.
United Kingdom	PA PR	Bank of England Drawing Office Threadneedle Street London EC2R 8AH (Patent Office Account 25011006 <sup>1</sup> , Sorting Code 10 00 00)  <sup>1</sup> Bank transfers only	(a) cheque drawn in sterling on a UK clearing bank (b) bank transfer (c) debit to a client deposit account held by the UK Patent Office (d) cash payment in person at the UK Patent Office (e) money order  The documents relating to the payment of fees should be supported by a Fees Sheet (Form FS/1) or equivalent form listing individual fees. A reference (e.g. patent or deposit account number) should be quoted to link payment with any forms sent separately.	3(a) and 3(e) date of receipt at UK Patent Office 3(b) date on which credited to the account indicated in column 2 3(c) date of receipt of documents at the UK Patent Office if sufficient funds are present in the deposit account – otherwise the date on which the deposit account is replenished. 3(d) date of payment at UK Patent Office

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## Registering a transfer, licences and other rights in respect of a European patent in the national patent register

IX.

1. Up to grant of the European patent, **transfers, licences and other rights** in respect of European patent applications are registered centrally in the Register of European Patents in accordance with Rules 20 to 22 EPC.
2. After grant of the European patent, a transfer is registered in the Register of European Patents only during the opposition period or during opposition proceedings, in accordance with Rule 61 in conjunction with Rule 20 EPC. Column 6 of the following table indicates whether and under what conditions the Contracting States recognise the registration of such transfers in the Register of European Patents for the purposes of the national procedure.
3. This table also sets out the national regulations and requirements concerning the registration of transfers, licences (excluding compulsory licences) and other rights after grant of the European patent or after the final conclusion of opposition proceedings in the individual national patent registers of the designated Contracting States. All details concerning the applicable provisions and the nature of the supporting documents to be filed are based on the information supplied to the EPO by the patent authorities of the Contracting States.

Contracting State	1 Which supporting documents must be filed?	2 Must a national professional representative be appointed?	3 Must a form be used?
Austria	<p><b>1. Transfer of rights by transaction</b> (e.g. sale, merger) or <b>by operation of law</b> (e.g. succession, insolvency, compulsory execution)</p> <p>Written application or request by court for entry in the patent register; submission of original or duly certified copy of the instrument concerned (e.g. deed of transfer, certificate of inheritance, distraint order). If it is not a public instrument, certified signature of the proprietor of the right.</p> <p>§§ 33, 43 (5)-(7) PA</p> <p><b>2. Licences and other rights</b></p> <p>Application and documents as under 1.</p> <p>§§ 34, 35, 36, 45 PA</p>	<p>Yes; attorney at law, patent attorney or notary authorised to represent parties on a professional basis in Austria</p> <p>§ 21(4) PA</p>	No
Belgium	<p><b>1. Transfer of rights by transaction</b> (e.g. sale, merger, transfer of title) or <b>by operation of law</b> (e.g. succession, insolvency, compulsory execution)</p> <p>– notification to OPRI accompanied by either a certified copy of the instrument of assignment or of the official document recording the transfer of rights, or a certified extract from such instrument or document</p> <p>– proof that the fee has been paid</p> <p>Art. 44 PA</p> <p><b>2. Licences and other rights</b></p> <p>Notification to OPRI accompanied by either a certified copy of the licence agreement or a certified extract from such document sufficient to prove that a licence has been granted.</p> <p>Art. 34, 45 PA</p> <p><b>3. Adjoining rights, pledging:</b> as under 1.</p> <p>Art. 46 PA</p>	<p>Yes</p> <p>Yes</p>	<p>No</p> <p>Yes, for contractual licences</p>
Denmark	<p><b>1. Transfer of rights by transaction</b> (e.g. sale, merger) or <b>by operation of law</b> (e.g. succession, insolvency, compulsory execution)</p> <p>Deeds of transfer signed by the patent proprietor. A declaration of consent by the transferee is not required.</p> <p>§ 44 PA</p> <p><b>2. Licences and other rights</b></p> <p>Licence agreement</p> <p>§ 44 PA</p>	<p>No</p> <p>No</p>	<p>No</p> <p>No</p>







Contracting State	1 Which supporting documents must be filed?	2 Must a national professional representative be appointed?	3 Must a form be used?
Germany	<p><b>1. Transfer of rights</b></p> <p><b>(i) by transaction</b> (e.g. sale, merger)</p> <p>– <b>sale:</b> – evidence in the form of procedural declarations</p> <p>Request for transfer signed by the registered proprietor or his representative and by the successor in title or his representative</p> <p><u>or</u></p> <p>request for transfer signed by the successor in title or his representative, to which is attached a declaration signed by the registered proprietor or his representative to the effect that he agrees to the registration of the successor in title (authorisation of transfer)</p> <p>– other documents showing that the transaction has taken place (e.g. an agreement signed by the registered proprietor and the successor in title)</p> <p>– <b>consolidation</b> (merger of companies): extract from the register for the principal place of business of the new proprietor of the right</p> <p><b>(ii) by operation of law</b> (e.g. succession, insolvency, compulsory execution)</p> <p>– <b>succession:</b> duplicate of certificate of inheritance, certificate of inheritance limited where appropriate to specific items in the case of foreigners; certified copy of will with a copy of the probate proceedings</p> <p>– <b>insolvency:</b> authorisation by official receiver of transfer (proof of representation in the form of a duplicate or certified copy of the certificate of appointment)</p> <p>§ 15 in conj. § 30(3) PA</p> <p><b>2. Licences and other rights</b></p> <p>– <b>Exclusive license:</b> written request from licensee with certified authorisation by the patent proprietor or request from the patent proprietor with declaration of consent by the licensee.</p> <p>§ 34(1) PA</p> <p>– <b>Licence of right:</b> declaration in writing by the patent proprietor.</p> <p>§ 23(1) PA</p>	<p>Yes</p> <p>§ 25 PA</p> <p>Yes</p> <p>§ 25 PA</p> <p>Yes</p>	<p>No</p> <p>No</p> <p>No</p>

4 Special fee payable	5 Entries and data recorded in the register	6 Is a transfer registered by the EPO under Rule 61 EPC recognised?	7 Special features
DEM 60	Entry in the register has declaratory effect	Yes. A copy of the EPO certificate (EPO Form 2544) is required.	<p>Further details are contained in the "Richtlinien für die Umschreibung von Schutzrechten und Schutzrechtsanmeldungen in der Patentrolle . . ." ("Guidelines for the transfer of different kinds of protection of property rights and applications for property rights in the register of patents . . ." of 28 October 1996 (Bl. f. PMZ 1996, 426 et seq.)</p> <p>In the case of foreign-language documents drawn up in English, French, Italian or Spanish, the DPA can require a translation of either the whole document or extracts from it, and that the translation be certified by a lawyer or patent attorney or prepared by an officially appointed translator. Where documents are drawn up in another language, a translation of the whole document or extracts from it is always required, either certified by a lawyer or patent attorney or prepared by an officially appointed translator.</p>
§ 30(3) PA			
DEM 40	Note concerning grant of licence		The note is deleted on request free of charge if the authorisation by the licensee or his successor in title has been received.
§ 34(4) PA			§ 34(3) PA
No	Note concerning licence of right		Renewal fees due after receipt of the declaration are halved.

Contracting State	1 Which supporting documents must be filed?	2 Must a national professional representative be appointed?	3 Must a form be used?
Greece	<p><b>1. Transfer of rights</b></p> <p>(i) <b>by transaction</b> (e.g. sale, merger)</p> <p>– <b>sale</b>: Contract of sale</p> <p>– <b>merger</b>: Agreement or decision of the competent body of a legal entity.</p> <p>(ii) <b>by operation of law</b> (e.g. succession, insolvency, compulsory execution)</p> <p>– <b>Death of an Owner</b>: Certificate of hereditary succession.</p> <p>– <b>Company in liquidation</b>: Court decision or decision of the competent body of a legal entity. (see also column 7) Art.12 Law No. 1733/87</p> <p><b>2. Licences and other rights</b></p> <p>Licence agreement. Art.12 Law No. 1733/87</p>	<p>No, unless the applicant is not in a position to file necessary documents.</p> <p>No</p>	<p>No</p> <p>No</p>
Ireland	<p><b>1. Transfer of rights by transaction</b> (e.g. sale, merger) or <b>by operation of law</b> (e.g. succession, insolvency, compulsory execution)</p> <p>Certified copy of the relevant document. Sect. 85 PA; R 58 PR</p> <p><b>2. Licences and other rights</b></p> <p>certified copy of the relevant document. Sect. 85 PA; R 58 PR</p>	<p>Yes</p>	<p>No</p> <p>No</p>
Italy	<p><b>1. Transfer of rights by transaction</b> (e.g. sale, merger, transfer of title) or <b>by operation of law</b> (e.g. succession, insolvency, compulsory execution)</p> <p>– authenticated copy of the public document or the original</p> <p>– or authenticated copy of the authenticated private document</p> <p>(see also column 7) Art. 66 and 67 PL; R. 59-66 RD No. 244</p> <p><b>2. Licences and other rights</b></p> <p>As under 1. Art. 66 and 67 PL</p>	<p>No</p> <p>No</p>	<p>No</p> <p>No</p>





4 Special fee payable	5 Entries and data recorded in the register	6 Is a transfer registered by the EPO under Rule 61 EPC recognised?	7 Special features
LUF/BEF 275 per patent (see column 7)	Identity of assignee and date of his declaration  Entry in the national register has legal effect, except in the case of death.	Yes. A copy of the EPO certificate (EPO Form 2544) is required.	The form must be accompanied by the receipt for payment of official fees drawn up by the Luxembourg "Receveur des successions" ("Administration de l'Enregistrement et des Domaines").
LUF/BEF 275 per patent mortgaged	Identity of the mortgagee; mortgage term		Licences and other rights are not entered in the register (ex- ception see column 5).
FRF 100 per entry	Transfers of rights, as well as licences, seizure and charges.  The transfer or amendment of rights only has effect vis-à-vis third parties once it has been entered in the special patent register and insofar as this transfer or amendment has been entered in the Register of European Patents.	Yes. A transfer recorded in the EPO Register of European Patents is recognised.	Assignments are published in the Journal de Monaco.
FRF 100 per entry	Art.11 SO No. 10.427		
FRF 100 per entry			

Contracting State	1 Which supporting documents must be filed?	2 Must a national professional representative be appointed?	3 Must a form be used?
Netherlands	<p><b>1. Transfer of rights by transaction</b> (e.g. sale, merger) or <b>by operation of law</b> (e.g. succession, insolvency, compulsory execution) either the original or a copy of the document containing the declaration of transfer by the proprietor and declaration of acceptance by the assignee.</p> <p>Art. 64, 65 PA</p> <p><b>2. Licences and other rights</b></p> <p>Original or a copy of the licence agreement, or an accepted testamentary disposition.</p> <p>Art. 56 PA</p>	<p>No</p> <p>No</p>	<p>No</p> <p>No</p>
Portugal	<p><b>1. Transfer of rights</b> certified by a written document providing evidence of the transfer</p> <p>Art. 29(1), (2), (3), 31 PA</p> <p><b>2. Licences and other rights</b></p> <p>Licence contract</p> <p>Art. 30, 31 PA</p>	<p>Yes</p> <p>Yes</p> <p>Art. 10(2) PA Art. 1, 2 Dec. Law</p>	<p>Yes. INPI Form DSP 6</p> <p>Yes. INPI Form DSP 6</p>
Spain	<p><b>1. Transfer of rights by transaction</b> (e.g. sale, merger, transfer of title) or <b>by operation of law</b> (e.g. succession, insolvency, compulsory execution)</p> <p>Original or certified copy of the public document, as well as a copy indicating that the taxes have been paid, or exemption from or non-liability to such taxes and, if appropriate, the entry in the relevant register. (see also column 7)</p> <p>Art. 79(5) PL Art. 56, 57, 58 RD 2245</p> <p><b>2. Licences and other rights</b></p> <p>Patent applications and patents may be the subject of licences and adjoining rights. For registration, see under 1. They may also be used as security for personal loans; such use must be notified to the Spanish Patent Office.</p> <p>Art. 74 PL</p>	<p>Yes</p> <p>Art. 155, 156 PL</p> <p>Yes</p>	<p>Yes</p> <p>Art. 57(1), RD 2245</p> <p>Yes</p>

4 Special fee payable	5 Entries and data recorded in the register	6 Is a transfer registered by the EPO under Rule 61 EPC recognised?	7 Special features
NLG 60  Art. 64(1) PA Art.8(2) PR  NLG 60  Art. 56(2) PA Art. 8(2) PR	Any special stipulations made in respect of the transfer Transfer confers substantive rights. Transfer by assignment shall take effect vis-a-vis third parties only after its entry into the register. Art. 64, 65 PA  Licence (how created, sub-licence) A licence established by an agreement or testamentary disposition shall take effect vis-à-vis third parties only after its entry into the register. Art. 56(2) PA	Yes. A certified copy of the EPO certificate (EPO Form 2544) is required.	
PTE 12 400 transfer fee PTE 750 presentation fee	Transfers of rights as well as contractual licences. Entry in the patent register has legal effect and gives effect as against third parties.  Art. 31(1), (2), 79(3) PA	Yes. A copy certified by the EPO (EPO Form 2544) must be produced.  Art. 79(3) PA	Assignments are published in the Industrial Property Bulletin.  Art. 31(5), 287(1) PA
ESP 1730* for each entry  Art. 57(2) RD 2245  ESP 1730* for each entry * Note: all fees are revised annually on 1st January	Establishment and transfer of rights if these acts take place in accordance with the provisions of RD 2245: transfers, licences, etc. Art. 49 (1) n, 56(2) RD 2245  Any transfer, licence or other act, whether voluntary or compulsory, only has effect vis-à-vis third parties of good faith when it has been recorded in the patent register. Art. 79(2) PL	Yes. A transfer recorded in the EPO Register of European Patents is recognised by OEPM.  Art.10 RD 2245	A document drafted abroad must bear the "apostille" laid down in the Hague Convention of 5 October 1961.  Art. 56 RD 2245  See Art. 74(1) PL with regard to adjoining rights







4 Special fee payable	5 Entries and data recorded in the register	6 Is a transfer registered by the EPO under Rule 61 EPC recognised?	7 Special features
<p>GBP 50 (together with Form 21/77)</p>	<p>All additional rights, e.g. mortgages, agreements, licences, sub-licences</p> <p>Registration in the patent register generally has merely declaratory effect. However, certain rights only accrue by virtue of registration (e.g. under Sect. 33, Sect 68 PA)</p>	<p>No</p>	<p>If form 21/77 is executed by, or on behalf of all the parties to the transaction, no additional evidence is required. Where form 21/77 cannot be executed by those parties either the original or an authenticated copy of the document must be filed. The authentication may be given by a patent agent, notary or other responsible person, e.g. an appointed officer of a company.</p> <p>All documents not in English must be accompanied by a certified English translation.</p> <p>Transactions relating to EP(UK) patents are liable to the payment of stamp duty in the UK. The Patent Office is prohibited, by the working of Section 17 of the Stamp Act 1892, from acting upon documents for which duty has not been assessed and paid.</p> <p>re 1.(ii): UK property that includes EP(UK) patents must be assessed for taxation in the UK.</p>
<p>GBP 50 (together with Form 21/77)</p>			



The following table sets out information on

- (a) the enactment of national provisions on the question of double protection under Article 139(3) EPC
- (b) the territorial field of application of the EPC, pursuant to Article 168(1) EPC

**(a) Simultaneous protection**

Under Article 139(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(3) EPC are indicated in column 1 of this table.

**(b) Territorial field of application**

Under Article 168(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 2 of the table.

**(c) Reservations**

Reservations pursuant to Article 167(2) EPC (column 1 in earlier editions) are no longer shown, the last of these having expired on 7 October 1992 (Article 167(3) EPC).

*Austria*

Austria's reservation – covering chemical, pharmaceutical or food products as such – expired on 7 October 1987 (OJ EPO 1987, 426).

*Greece and Spain*

Greece's reservation (for pharmaceutical products) and Spain's (for chemical and pharmaceutical products) both expired on 7 October 1992 (OJ EPO 1992, 301).

*Important note*

Under Article 167(5) EPC, reservations for European patents granted on European patent applications **filed** during the reservation period continue to run for the entire patent term. So they only affect European applications and patents with a filing date prior to 8 October 1987 (for Austria) and prior to 8 October 1992 (for Greece and/or Spain; cf. OJ EPO 1992, 301).

Contracting State	1 Simultaneous protection allowed? Art. 139 (3) and 140 EPC	2 Territorial field of application of the EPC (Art. 168 EPC)
Austria	Simultaneous protection by national patents/utility models is not excluded	Territory of the Republic of Austria
Belgium	No; to the extent that it protects the same invention, 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
Denmark	Simultaneous protection is not excluded – applies equally to utility models (a separate request is to be made) § 6 Utility Models Act	Territory of the Kingdom of Denmark with the exception of Greenland and the Faroe Islands
Finland	Simultaneous protection by national patents/utility models is not excluded	Territory of the Republic of Finland
France	No; to the extent that it protects the same invention, 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. L. 614-13. Law No. 92-597 Provisions applicable to utility certificates: Art. L. 611-2 Law No. 92-597	Territory of the French Republic including the overseas territories and the territorial entity of Mayotte  Art. L. 811-1. Law No. 92-597
Germany	No; to the extent that it protects the same invention, 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 Simultaneous protection for utility model is allowed.	Territory of the Federal Republic of Germany and the Land Berlin in the case of applications filed before 3 October 1990.  Territory of the Federal Republic of Germany within the frontiers of 3 October 1990 in the case of applications filed since 3 October 1990 Art. XI, § 2 LIPC
Greece	No; to the extent that it protects the same invention, the national patent/utility model ceases to have effect from the date on which (a) + (b) as Belgium Art. 22(1) Pres. Dec. No. 77/88; Art.19(6) Law No. 1733/87	Territory of the Hellenic Republic  Law No. 1607/86
Ireland	To the extent that it protects the same invention, the Controller 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. 60 PA	Territory of Ireland
Italy	No; to the extent that it protects the same invention, the national patent/utility model 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. 32/1979	Territory of the Italian Republic

Contracting State	1 Simultaneous protection allowed? Art. 139 (3) and 140 EPC	2 Territorial field of application of the EPC (Art. 168 EPC)
<b>Liechtenstein</b>	see Switzerland	
<b>Luxembourg</b>	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which <i>(a) + (b) as Belgium</i> (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>Monaco</b>	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which <i>(a) + (b) as Belgium</i> (c) the national patent is granted if such date falls after that provided for in (a) or (b)  Art. 9 SO 10.427	Territory of the Principality of Monaco
<b>Netherlands</b>	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which <i>(a) + (b) as Belgium</i> (c) the national patent is granted if such date falls after that provided for in (a) or (b)  Art. 77 PA	Territory of the Kingdom of the Netherlands in Europe   Art. 49(1), 53(4), 55, 57(2), 73(1), 74 PA
<b>Portugal</b>	No; to the extent that it protects the same invention, the national patent/utility model ceases to have effect from the date on which <i>(a) + (b) as Belgium</i> (c) the national patent is granted if such date falls after that provided for in (a) or (b)  Art. 84 PA	Territory of Portugal
<b>Spain</b>	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which <i>(a) + (b) as Belgium</i> (c) the national patent is granted if such date falls after that provided for in (a) or (b)  Art.16 RD 2424	Territory of the Kingdom of Spain
<b>Sweden</b>	Simultaneous protection by national patents is not excluded	Territory of the Kingdom of Sweden
<b>Switzerland/ Liechtenstein</b>	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which <i>(a) + (b) as Belgium</i> Art.125 PA	Territory of the Swiss Confederation and of the Principality of Liechtenstein  Treaty CH/LI of 22.12.78
<b>United Kingdom</b>	To the extent that it protects the same invention, the comptroller may revoke the national patent after the date on which <i>(a) + (b) as Belgium</i> (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>1</sup>  Sects 131, 132 PA

<sup>1</sup> For information on the registrability of European patents (UK) in overseas States or Territories, see the information in OJ EPO 1995, 347-349.



## Extension of European patents to states which are not party to the EPC

The European Patent Organisation has concluded agreements on cooperation in the field of patents and on extending the protection conferred by European patents (Extension Agreements) with a number of states which are not party to the EPC.

These agreements form the basis of an extension system providing European patent applicants with a simple and cost-effective way of obtaining patent protection in these countries. At the applicant's request and on payment of the extension fee, European applications (direct or Euro-PCT) and patents can be extended to these countries where they will have the same effects as national applications and patents and will enjoy substantially the same protection as patents granted by the EPO for the member states of the European Patent Organisation. **At present**, extension to the following states may be requested:

Slovenia (as from 1 March 1994)  
Lithuania (as from 5 July 1994)  
Latvia (as from 1 May 1995)  
Albania (as from 1 February 1996)  
Romania (as from 15 October 1996)

### Extension is possible only for those applications filed after entry into force of the agreements!

The extension system largely corresponds to the EPC system operating in the EPC Contracting States, except that it is based not on direct application of the EPC but solely on national law modelled on the EPC. It is therefore subject to the national extension rules of the country concerned.

The rules, which are identical for all states mentioned, are summarised below, while the following table contains the main requirements in each country. For further information on extension see OJ EPO 1994, 75 and OJ EPO 1996, 601.

### Extension fee

The extension fee of DEM 200 is **payable to the EPO**; payment may also be made in the equivalents laid down by the EPO (see section 4 of the schedule of fees). The time limit for payment of the extension fee is:

#### – for European applications

12 months from the filing or priority date or 1 month from the filing date, whichever is later; two-month period of grace (R. 85a(2) EPC), provided a 50% surcharge is paid.

#### – for Euro-PCT applications

21 or 31 months from the filing or priority date (R. 104b(1) EPC)

### Withdrawal of the request for extension

The request for extension is deemed withdrawn if the extension fee is not paid or the application is withdrawn, refused or deemed withdrawn.

### Entry into the national phase

To have the effect of a European patent, all extension states require that within **3 months** of publication of the mention of grant in the European Patent Bulletin, a **translation of the claims** in the language of the country be filed and the prescribed fees be paid (see column 3). Only **Romania** requires a **translation of the complete patent specification**. If as a result of opposition proceedings the European patent is maintained with amended claims, a translation of the amended claims must be filed in all extension states.

### Renewal fees

Renewal fees are payable to the respective patent office for the years following the year in which the mention of grant of the European patent was published in the European Patent Bulletin.

<p style="text-align: center;">1</p> <p style="text-align: center;"><b>Extension state</b></p> <p style="text-align: center;"><b>Central industrial property office</b></p> <p style="text-align: center;"><b>National provisions</b></p>	<p style="text-align: center;">2</p> <p style="text-align: center;"><b>Provisional protection following publication of the European or Euro-PCT application</b></p>	<p style="text-align: center;">3</p> <p style="text-align: center;"><b>Effect of the European patent/requirements for extension</b></p>
<p><b>AL Albania</b></p> <p>Patent Office Bulevardi "Zhan d'Ark" 2 Tirana Tel. (+355 42) 2 58 00 Fax (+355 42) 2 79 75, 3 20 83</p> <p>Albanian Government Ordinance on the extension of European patents</p>	<p>yes, from the date on which the applicant communicates to the user of the invention a translation of the claims in the Albanian language</p>	<p>as for a national patent, provided that (1) within <b>3 months</b> of publication of the mention of the grant in the European Patent Bulletin a <b>translation of the claims</b> in the Albanian language is filed with the AL Patent Office and</p> <p>(2) the <b>publication fee</b> is paid.</p> <p>This also applies where the claims are amended in opposition proceedings before the EPO.</p> <p>The translation of the claims is published by the AL Patent Office.</p>
<p><b>LV Latvia</b></p> <p>Latvian Patent Office Citadeles iela 7(70) P.O. Box 124 Riga, LV-1010 Tel. (+371) 7 02 73 44, 7 02 75 77 Fax (+371) 7 02 72 08</p> <p>Chapter 5, Latvian Patent Law (LVPL)</p>	<p>yes, from the date on which the applicant communicates to the user of the invention a translation of the claims in the Latvian language (claims for reasonable damages are granted)</p> <p>Art. 18(7), 31(6) – (8) LVPL</p>	<p>as for a national patent, provided that (1) within <b>3 months</b> of publication of the mention of the grant in the European Patent Bulletin a <b>translation of the claims</b> in the Latvian language is filed with the LV Patent Office and</p> <p>(2) the <b>publication fee</b> is paid.</p> <p>This also applies where the claims are amended in opposition proceedings before the EPO.</p> <p>The translation of the claims is published by the LV Patent Office.</p> <p>Art. 19, 30–35 LVPL</p>
<p><b>LV Lithuania</b></p> <p>Lithuanian Patent Office Algirdo g. 31 2600-Vilnius Tel. (+370 2) 23 33 49 Fax (+370 2) 26 34 69</p> <p>Chapter 10, Lithuanian Patent Law (LTPL) of 18 January 1994</p>	<p>yes, from the date on which the applicant communicates to the user of the invention a translation of the claims in the Lithuanian language (claims for reasonable damages are granted)</p> <p>Art. 53(2) LTPL</p>	<p>as for a national patent, provided that (1) within <b>3 months</b> of publication of the mention of the grant in the European Patent Bulletin a <b>translation of the claims</b> in the Lithuanian language is filed with the LT Patent Office and</p> <p>(2) the <b>publication fee</b> is paid.</p> <p>This also applies where the claims are amended in opposition proceedings before the EPO.</p> <p>The translation of the claims is published by the LT Patent Office.</p> <p>Art. 54 LTPL</p>

<p style="text-align: center;"><b>1</b></p> <p style="text-align: center;"><b>Extension state</b></p> <p style="text-align: center;"><b>Central industrial property office</b></p> <p style="text-align: center;"><b>National provisions</b></p>	<p style="text-align: center;"><b>2</b></p> <p style="text-align: center;"><b>Provisional protection following publication of the European or Euro-PCT application</b></p>	<p style="text-align: center;"><b>3</b></p> <p style="text-align: center;"><b>Effect of the European patent/requirements for extension</b></p>
<p><b>RO Romania</b></p> <p>State Office for Inventions and Trademarks 5, rue Ion Ghica – Sect. 3 B. P. 52 70018 Bucharest Tel. (+401) 6 15 90 66, 6 14 92 56 Fax (+401) 3 12 38 19</p> <p>Romanian governmental Ordinance on the extension of European patents of 9 September 1994 (Extension Ordinance); Romanian Patent Law (ROPL)</p>	<p>yes, following publication of the translation of the claims in the Romanian language. The translation is to be filed at the RO Patent Office and the publication fee is to be paid (claims for reasonable damages are granted)</p> <p>Point IV(2) Extension Ordinance Art. 2, 34(1) (a), (b) and 35 ROPL</p>	<p>as for a national patent, provided that (1) within <b>3 months</b> of publication of the mention of the grant in the European Patent Bulletin a <b>translation of the patent specification</b> in the Romanian language is filed with the RO Patent Office and</p> <p>(2) the <b>publication fee</b> is paid.</p> <p>If the claims have been amended in opposition proceedings before the EPO, a translation of the amended claims is to be filed and the publication fee is to be paid.</p> <p>The translation is published by the RO Patent Office.</p> <p>Point V Extension Ordinance Art. 2, 16(2), 29(2), 34 ROPL</p>
<p><b>SI Slovenia</b></p> <p>Slovenian Intellectual Property Office Kotnikova 6 p.p. 206 SLO-1000 Ljubljana Tel. (+386 61) 1 31 23 22 Fax (+386 61) 31 41 33</p> <p>Extension Ordinance; Art. 4 Slovenian Law on Industrial Property of 20 March 1992, as last amended by Law of 29 May 1993</p>	<p>yes, from the date on which the applicant communicates to the user of the invention a translation of the claims in the Slovenian language (claims for reasonable damages are granted)</p> <p>Art. 4 Extension Ordinance</p>	<p>as for a national patent, provided that (1) within <b>3 months</b> of publication of the mention of the grant in the European Patent Bulletin a <b>translation of the claims</b> in the Slovenian language is filed with the SI Patent Office and</p> <p>(2) the <b>publication fee</b> is paid.</p> <p>This also applies where the claims are amended in opposition proceedings before the EPO.</p> <p>The translation of the claims is published by the SI Patent Office.</p> <p>Art. 5 Extension Ordinance</p>





European Patent Office  
Erhardtstr. 27  
D-80331 München  
Tel. (+49-89) 23 99-0  
Telex 523 656 epmu d  
Fax (+49-89) 23 99-44 65

European Patent Office  
✉ D-80298 München