

EPO USER DAY 2023

CHRISTINA TEN HÖVEL | PA EXPERT AND KEY ACCOUNT MANAGER DIRECTORATE CUSTOMER JOURNEY | 26 OCTOBER 2023

FORMAL REQUIREMENTS EP PROCEDURES AND THE IMPLICATIONS^{epo.org} FOR ONLINE SERVICES

- **Abolishment of service letter 1201** (entry into the European phase)
as from 1 November 2023
- **New notification fiction** (abolishment of the 10-day-rule)
as from 1 November 2023
- **The EPO Contingency upload service** (emergency filing tool)
available since 1 July 2023
- **Tools that will be decommissioned and their replacement in MyEPO**
- **New form for Appeal proceeding in Online filing 2.0**

Abolishment of service letter 1201 (entry into the European phase) as from 1 November 2023

Notice from the European Patent Office dated 1 July 2023 concerning the discontinuation of service letter EPO Form 1201 “Entry into the European phase before the European Patent Office”

Abolishment of service letter 1201

epo.org

EPO Form 1201 is a service letter sent during the international phase, specifying the European application number and detailing the steps to enter the European phase.

The EPO will stop sending out service letter EPO Form 1201 with effect from 1 November 2023.

The corresponding information will instead be made available on [epo.org](https://www.epo.org):

- <https://www.epo.org/applying/international.html>
- <https://www.epo.org/applying/international/entry-european-phase.html>

Abolishment of service letter 1201

The European application number is allocated to an international application with designation EP once it is published.

As from that time, the Euro-PCT application, including its allocated European application number, is accessible to the public via the European Patent Register.

If applicants enter the European phase early under Art. 23(2) or 40(2) PCT and before the international application is published, the European application number is allocated on submission.

Abolishment of service letter 1201

When entering the European phase applicants are not required to indicate the European application number. By indicating the international application number, the submission is automatically routed to the corresponding Euro-PCT application.

Applicants filing EPO Form 1200E via Online Filing or Online Filing 2.0 receive the European application number immediately on the acknowledgement of receipt issued electronically and returned after successful submission.

Both the international application number and the European application number will be added to the first communication sent by the EPO with regard to the Euro-PCT application.

Abolishment of service letter 1201

After publication of the international application, the European application number can be retrieved from the European patent register.

Although the European application number is not required for filing EPO Form 1200, it is required when applicants pay the initial fees separately via Central Fee Payment.

New notification fiction (abolishment of the 10-day-rule) as from 1 November 2023

Notice from the European Patent Office dated 6 March 2023 concerning amended Rules 126, 127 and 131 EPC, OJ EPO 2023, A29

Notification and time limit calculation

- Amendments to Rules 126, 127 and 131 EPC to reflect the Office's digital agenda and to harmonise the EPC and PCT regimes
- Notification fiction and time limit calculation on/from the date of document
- Office's burden of proof in case of notification issues retained, new safeguard introduced where a document is received exceptionally late
- Entry into force: 1 November 2023

Notification and time limit calculation

The **relevant date** for the purpose of applying the notification fiction is **the date printed on a document** (not any other date possibly stamped on the envelope etc.).

As today, electronic **notification will not occur before the date of the document** (even if the addressee can access the document before this date).

The EPO continues to provide appropriate safeguards if a document is **not received** or **received exceptionally late**.

The safeguards apply to both notification by post and notification via the Mailbox!

Document not received

If the EPO is unable to prove that a document has been delivered:

- the notification fiction will not apply
- the period will not be considered to have started
- the document will be reissued with a new date

the calculation of the time limit will be based on the date of the new communication!

Notification and time limit calculation - safeguards

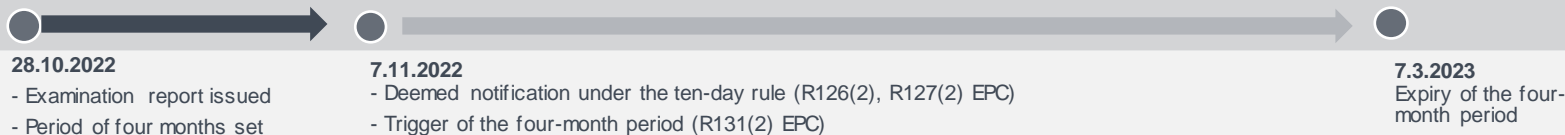
Document received exceptionally late

If notification is contested and the EPO cannot show that a document reached the addressee **within seven days** from the date of the communication:

- the **period** triggered **will be extended** by the number of days by which these seven days are exceeded
- **Example 1:** If a document is received **12 days** after the date it bears, the period will be **extended by five days**
- **Example 2:** If a document is received **four days** after the date it bears, there will be **no change in the period calculation**



Notification and time limit calculation before 1 November 2023



Notification and time limit calculation as of 1 November 2023

13.11.2023

- Examination report issued
- Deemed notification on the date of document (R126(2) R127(2) EPC)
- Trigger of the four-month period (R131(2) EPC)

Standard cases

13.3.2024
Expiry of the four-month period

13.11.2023

- Examination report issued on the date it bears
- Deemed notification on the date of document (R126(2) R127(2) EPC)
- Trigger of the four-month period (R131(2) EPC)

Exceptional cases

18.3.2024
Expiry of the four-month period as extended

25.11.2023

Examination report delivered 12 days after date of document


Applying the safeguard:
12-7= period expiring 5 days later

The EPO Contingency upload service (emergency filing tool) available since 1 July 2023

Notice from the European Patent Office dated 3 May 2023 concerning new milestones for EPO online services, OJ EPO 2023, A50

The EPO Contingency upload service

The Contingency upload service can be found on our homepage:

 > Applying for a patent > MyEPO services > File with us > **What if our online filing services are down?**

<https://new.epo.org/en/applying/myepo-services/file-with-us/cus>

- Access via an EPO account with two-step verification or an EPO smart card
- If signing in or creating an EPO account is not possible, access can be obtained by providing a valid email address

See also Notice from the European Patent Office dated 22 October 2020 concerning the procedures and safeguards which apply under the EPC and the PCT in the event of outages of means of electronic filing and other online services, [OJ EPO 2020, A120](#).

- Alternative method of submitting documents if the other filing tools are not available, or it is not possible to create, or sign-in to an EPO account for making use of the EPO filing tools
- Secure electronic transmission of documents to the EPO, although without the validations of the filing tools of the EPO
- Upload of PDF documents including new European patent applications, international applications and/or subsequently filed documents
- It should be used as an emergency filing tool if the applicant must submit documents urgently and the standard filing tools or EPO account are not available
- A direct link to the Contingency Upload Service will be published on EPO's outage pages in the event of an unavailability of the EPO filing tools

<https://new.epo.org/en/applying/myepo-services/interact>

The EPO Contingency upload service

epo.org

- Access via your EPO account (SC, 2FA)
- If signing-in or creation of an account is not possible, an email can be provided, you will then receive an email to the address you provided, with an access link to the Contingency Upload Service
- The uploaded documents are stored encrypted, and the timestamp of the upload is logged
- Upon the successful upload, you will receive an automated email acknowledging the receipt of the documents, along with the timestamp of the receipt and a unique reference code for the upload will be sent
- The existing fee regulations for filing in electronic form apply

The EPO Contingency upload service

epo.org

- If a new European patent application or international application is uploaded, the email acknowledging the receipt of your documents will not contain an EP application number or PCT application number.
- The EP-/ or PCT-number is will be issued after the successful processing of the upload
- Allowed formats: PDF, XML, SEQL, ZIP.
- It is not possible to upload pre-conversion archives
- The existing fee reductions for filing in electronic form also apply to the Contingency Upload Service
- Fees cannot be paid from within the Contingency Upload Service

The EPO Contingency upload service

In the unlikely event that the other EPO filing tools are not available, or it is not possible to create, or sign-in to an EPO account for making use of the EPO filing tools, the EPO Contingency Upload Service replaces fax as an alternative method to submit documents to the EPO. However, this service is only offered as a contingency. Applicants are strongly encouraged to use the normal EPO online services and filing tools whenever possible to benefit from the business validations and the accelerated processing of submissions that originate from these tools.

See also Notice from the European Patent Office dated 22 October 2020 concerning the procedures and safeguards which apply under the EPC and the PCT in the event of outages of means of electronic filing and other online services, [OJ EPO 2020, A120](#).

→ [Open the Contingency Upload Service](#)



[Expand all](#)

Getting access

Please read our [Get access](#) page.

You can access the EPO Contingency Upload Service using either your EPO account with two-step verification or an EPO smart card.

In the event that you are unable to sign-in, or cannot create an EPO account, you also have the option to make use of the EPO Contingency Upload Service by providing a valid email address.

Welcome to the EPO Contingency Upload Service

This service allows you to upload documents to the EPO if the EPO's standard filing tools are not available. It's for emergency use only.

To use the service, sign in using your EPO account.

[Sign in using EPO account](#)

If it's not possible to sign in using your EPO account, we can email you an access link instead. This link will be active for one hour only.

[Sign in using link](#)

Document upload

Complete this form to upload your documents.

Contact details

Email address *

42904@smartcard.epo.org

First name *

Christina

Last name *

ten Hoevel

Phone number *

+31703403423

Company or organisation

Address

Upload details

Your reference *

aref

EP or PCT application number

€ .9

If you are uploading document(s) related to a previous application, please provide the application number

Documents

You can upload one or more documents. If you are uploading a request for grant of a European patent (EP 1001), a request for entry into the European phase (EP 1200), or a notice of opposition to a European patent (EP 2300), make sure you also upload the respective PDF request form (completed and signed).


Your documents must be in PDF format. For sequence listings, you can select XML or ZIP format.

Document description *

+ Upload file

Accepted formats: PDF (documents), XML or ZIP (sequence listings)

Documents added for upload

Description	File Name	Pages	
amended claims	Claims.pdf	4	

Signature

Name of person signing *

Function of person signing *

Place

Signature *

Upload

Tools that will be decommissioned and their replacement in MyEPO

Decision of the President of the European Patent Office dated 3 May 2023 concerning the web-based online Service MyEPO Portfolio and electronic notification to the mailbox, OJ EPO 20223, A49; Notice from the European Patent Office dated 3 May 2023 concerning new milestones for EPO online services, OJ EPO 2023, A50; Decision of the President of the European Patent Office concerning the electronic filing of documents, OJ EPO 2023, A48



A single integrated suite of online services for EP and PCT procedures

- Online Filing 2.0: Filing tool for the complete Patent-Grant-Process
- MyEPO Portfolio: Functionalities replace legacy Mailbox, MyFiles and Administration
- Central Fee Payment: Payment tool is part of the MyEPO suite

It is now easy to sign in to MyEPO Portfolio, Online Filing 2.0 and Central Fee Payment using your EPO account (email address and password) plus a second step to verify your identity:

- Google Authenticator app with a single-use code
- Okta Verify app with a confirmation link (press Yes / No) or a single-use code
- Text message (SMS) with a single-use code
- Email message with a confirmation link (Sign In) or a single-use code

Later in 2023, these alternative methods will also be available for Online Filing tool

<https://new.epo.org/en/applying/myepo-services/get-access>

Until end 2024 you can still sign in using an EPO smart card, but the EPO account with two-step verification replaces smart cards.

- No smart cards will be issued or renewed from January 2024
- Two-step verification alternatives are already available for all users
- Existing smart card users will be able to add two-step alternatives to their account
- New users will be able to create a new EPO account with two-step verification

- Legacy Administration, Mailbox, MyFiles can only be accessed with a smartcard
- The legacy tools will be decommissioned as from end of June 2024
- Smartcards can be requested/renewed until 29 December 2023 (18.00 CET)
- All smartcards will expire as from 1 January 2025
- 2FA access available for Central Fee Payment, Online Filing 2.0, MyEPO Portfolio, and later Online filing (EPO forms)

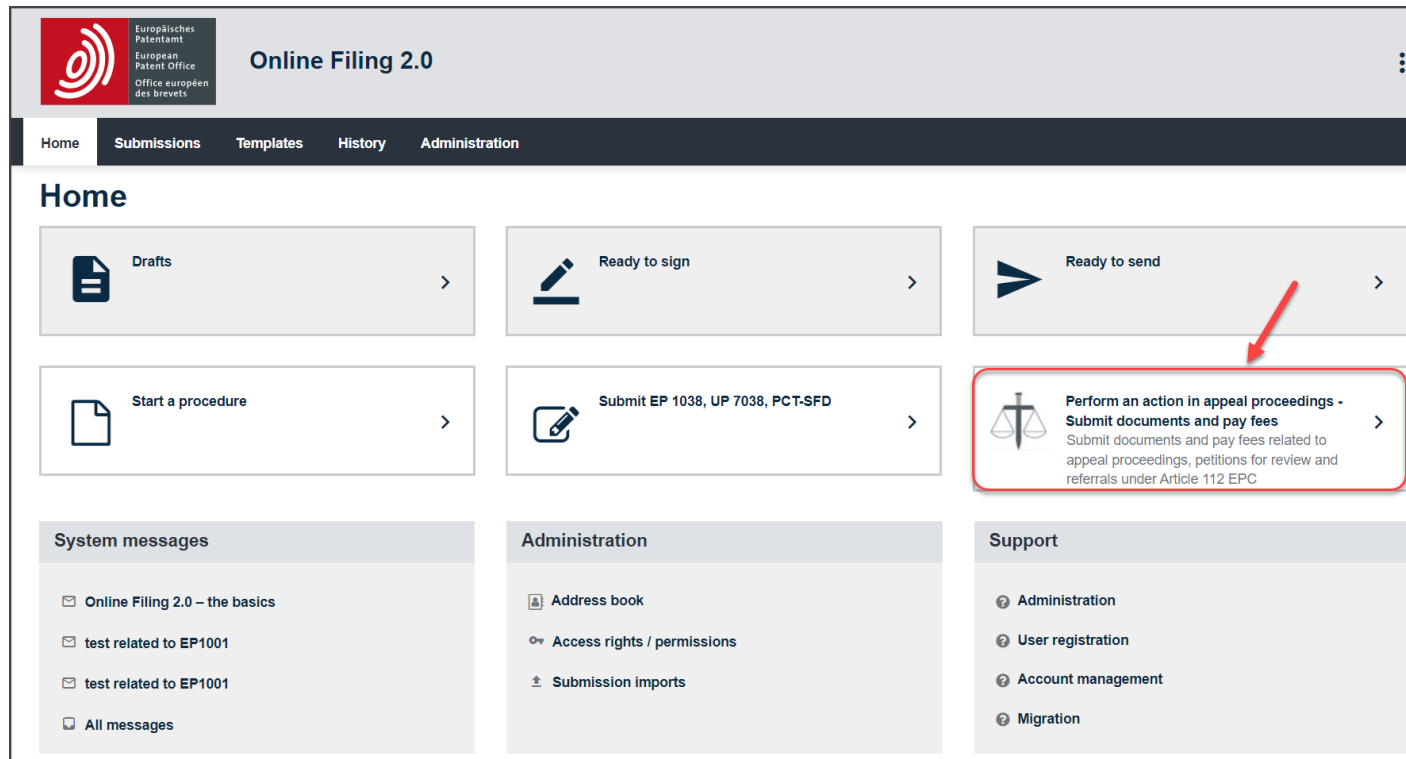
Fax filing, Webform-filing

Fax filing and incoming faxes will be decommissioned as from 1 July 2024 (foreseen publication in OJ May 2024)

Web-form filing will be decommissioned in December 2024

New form for Appeal proceeding in Online filing 2.0

**Introduction planned for November 2023, could be subject to changes*



The screenshot displays the 'Online Filing 2.0' interface. At the top, the EPO logo and name are on the left, and the title 'Online Filing 2.0' is in the center. A navigation bar below the header contains links for 'Home', 'Submissions', 'Templates', 'History', and 'Administration'. The main content area is titled 'Home' and features several interactive tiles:

- Drafts**: Represented by a document icon and a right arrow.
- Ready to sign**: Represented by a pen icon and a right arrow.
- Ready to send**: Represented by a right-pointing arrow icon and a right arrow. A red arrow points to this tile.
- Start a procedure**: Represented by a document icon and a right arrow.
- Submit EP 1038, UP 7038, PCT-SFD**: Represented by a document and pencil icon and a right arrow.
- Perform an action in appeal proceedings - Submit documents and pay fees**: This tile is highlighted with a red border. It includes a scales of justice icon and a right arrow. The text below the title reads: 'Submit documents and pay fees related to appeal proceedings, petitions for review and referrals under Article 112 EPC'.

Below the main tiles, there are three columns of additional links:

- System messages**:
 - Online Filing 2.0 – the basics
 - test related to EP1001
 - test related to EP1001
 - All messages
- Administration**:
 - Address book
 - Access rights / permissions
 - Submission imports
- Support**:
 - Administration
 - User registration
 - Account management
 - Migration

Perform an action in appeal proceedings - Submit documents and pay fees

Save in folder *

Submissions 

User's file reference*

Test9 

Form *

**EP 3002**

Notice of appeal


**EP 1038**

Subsequently filed documents


Payment method



Application number *

EP16154858.1 

Patent number

EP3040182 

Appeal case number

____/____-____-____

Language of generated pdf*

English  

Cancel

Start 

Home

Submissions

Templates

History

Administration


Save as template

Save

View history

View package





Close

 3

Test9

EP 3002 - Draft



Application number/patent number/case number in appeal proceedings

 Test9  EP 3002  EP16154858.1  EP3040182

Parties

Documents


Fees


 Not specified  0.0


Notes

☐ Add a note


Overview

 General information


 Parties

 Requests

Documents

 Fees

[Home](#) [Submissions](#) [Templates](#) [History](#) [Administration](#)

[Save as template](#) [Save](#) [View history](#) [View package](#) [Close](#) 

Test9

 EP 3002 - Draft

General information

About the application/patent

User's file reference*

Test9 ✓

Language of generated PDF*

English ▼

European patent number

EP3040182 ✓

Application number *

EP16154858.1 ✓


Impugned decision (Rule 99(1)b) EPC)*


text text text text text text
text text text text text text
text text text text text text
text text text text text...| ✓


Appeal case number


____/____-____-____


Overview

 **General information**

 Parties

 Requests

 Documents

 Fees

Save as template

Save

View history

View package

Close

1

Test9

EP 3002 - Draft

Parties

2 party/parties Show all

Address book Remove Add

Treetop Ltd
Applicant, legal person

Fitzwilliam, Charles
Professional representative, individual

☒ Select as Appellant* (Rule 99(1)(a) EPC)

Name, organisation

Organisation name*
Treetop Ltd

Country/territory of principal place of business*
GB - United Kingdom

Department

Address

Line 1
Green Lane 3

Line 2

Overview

General information

Parties


Requests

Documents

Fees

Appellant's address is required (Rule 99 (1) (a) EPC).

34

[Save as template](#) [Save](#) [View history](#) [View package](#) [Close](#) [Prepare to sign >](#) 

Test9

 EP 3002 - Draft

Requests

Notice of appeal

Request defining the subject of the appeal*

subject of appeal subject of appeal subject of appeal
subject of appeal subject of appeal subject of appeal
subject of appeal subject of appeal....

✓

Oral Proceedings

☐ Request for oral proceedings

☐ Request for interpreting

Further declarations for the purpose of payment of the appeal fee

☐ The appellant hereby declares to be an entity or a natural person under Rule 6(4) and (5) EPC.

Other requests

☐ Request for the taking of evidence by the hearing of a witness

☐ Request for accelerated processing in appeal (Article 10(3) RPBA)

Overview


⚠ General information

✓ Parties

✓ Requests

✓ Documents

⚠ Fees


[Save as template](#) [Save](#) [View history](#) [View package](#) [Close](#) [Prepare to sign >](#) 

Test9

 EP 3002 - Draft

Documents


Evidence

0 pieces of evidence [Remove](#) [Add](#) 

No pieces of evidence found


Other documents (not supplied as evidence)


ⓘ Non-public documents and fees must be submitted via 1038 appeal


[Remove](#) [Add](#) 


Original file name	File name assigned by system	Description
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Overview

 General information

 Parties

 Requests

 Documents

 Fees

Test9

EP 3002 - Draft

Fees

1 fee(s) selected Total: € 2.705,00

[Fee overview](#)

Payment details

[?](#) [+](#)

Refund instructions

[?](#) [+](#)

Procedural fees

[?](#) [-](#)

	Fee code and description	Amount in €	Reduction	Quantity	Amount to pay
<input checked="" type="checkbox"/>	011 - Fee for appeal - for an appeal filed by an entity other than those referred to in Rule 6(4) and (5) EPC	2705.000	None	1	€ 2.705,00
<input type="checkbox"/>	011e - Fee for appeal - for an appeal filed by a natural person or an entity referred to in Rule 6(4) and (5) EPC		None		
<input type="checkbox"/>	013 - Fee for re-establishment, reinstatement, restoration (EPC, PCT)		None		
<input type="checkbox"/>	111 - Fee for petition for review		None		

Administrative fees

[?](#) [+](#)

Renewal fees

[?](#) [+](#)

Further processing fees

[?](#) [+](#)

[Overview](#)

[General information](#)

[Parties](#)


[Requests](#)

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[< Return to draft](#)
[Save as template](#)
[View history](#)
[Confirm submission reviewed](#)


 1


Test9 EP 3002 - Ready to sign


Review status and signatures

3 file(s) [View](#)


 **Form3002E.pdf**
(Form3002E.pdf)

 **ep-boa-request.xml**
(ep-boa-request.xml)

 **package-data.xml**
(package-data.xml)



Europäisches
Patentamt
European
Patent Office
Office européen
des brevets



Beschwerdekammern
Boards of Appeal
Chambres de recours

Notice of Appeal

This submission is pertaining to the following application number / patent number / case number in Appeals Procedure:

Sender Reference:

Test9

Application number:

EP16154858.1

Patent Number:

EP3040182

Case Number in Appeals Procedure:

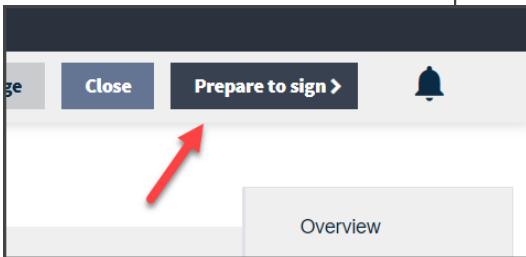
I. Decision Impugned

text text text text text text text text text text
 text text text text text text text text text text
 text text text text text text text text text text

II. Appellant(s)

☒ Selected as Appellant
 Organisation name:
 Treetop Ltd
 Department:

[Overview](#)



A general authorisation has been registered by the EPO under number: ☐


IV. Request defining the subject of the appeal

Request defining the subject of the appeal:

subject of appeal subject of appeal subject of appeal subject of appeal subject of appeal subject of appeal.....

V. Requests/Declarations

[Home](#)[Submissions](#)[Templates](#)[History](#)[Administration](#)


[Save as template](#)[View history](#)[View package](#)[Close](#)[Ready to send >](#)


Test9 EP 3002 - Ready to sign


Sign submission

2



Show all



 Treetop Ltd
Applicant

 Fitzwilliam, Charles
Representative ✓

Signature



Function of person signing

Representative

Date

18.09.2023

[Add signature](#)

[Package](#)[Close](#)[Send submission](#)

Submissions



Show all forms / stat... ▼

Folders ▼

Search by user's file ref... 🔍

Reset

Create folder

Create submission ▼

<input type="checkbox"/>	Folder name / user's file reference	Form	Last saved ^	Status	Application number
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Test9

EP 3002

18.09.2023 08:56

! Processing submission ...

Submissions



Show all forms / stat... ▼

Folders ▼

Search by user's file ref... 🔍

Reset

Create folder

Create submission ▼

<input type="checkbox"/>	Folder name / user's file reference	Form	Last saved ^	Status	Application number
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Test9


EP 3002

18.09.2023 08:56

✓ Submitted

EP16154858.1



[Home](#) [Submissions](#) [Templates](#) [History](#) [Administration](#)



[Save as template](#) [View history](#) [View package](#) [Close](#) 

Test9 (EP16154858.1) EP 3002 - Submitted

Acknowledgment from EPO

Submission package received by EPO and receipt

 [Download receipt \(98 KB\)](#) 

 [Download submission package \(95 KB\)](#) 

Reviewing and signing



Expand this section to see the review and signing status.

Submission details

Expand this section to see the submission details.

Further actions

You can use this submission as a basis for a new divisional application or as a template.

 **Perform a subsequent action**
Create and submit a request in respect of an existing submission > 

Acknowledgment from EPO



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Patentamt
European
Patent Office
Office européen
des brevets

Thank you for your attention!

