

Notes on the request for grant of a European patent (EPA/EPO/OEB Form 1001)

I. General instructions

These notes explain how to complete EPA/EPO/OEB Form 1001. To file international applications under the Patent Cooperation Treaty (PCT), Form PCT/RO/101 should be used. For international applications entering the European phase (Euro-PCT) applicants are advised to use EPA/EPO/OEB Form 1200.

The basis for the request for grant of a European patent is the European Patent Convention (EPC) and its Implementing Regulations.

Unless otherwise indicated, the articles and rules referred to are those of the EPC.

European Patent Guide

"European Patent Guide - How to get a European patent" ("the applicants' guide") is available free of charge on the EPO website and provides useful information on filing applications and the procedure before the European Patent Office (EPO).

Forms for applicants

Forms (e.g. designation of inventor, authorisation, PACE request) are available on the EPO website (epo.org).

Request for grant – EPA/EPO/OEB Form 1001

Use of EPA/EPO/OEB Form 1001 is prescribed by Rule 41. The request must be typed or printed to ensure that it is machine-readable, and crosses must be placed in the appropriate boxes. Only the right-hand column is to be completed. Areas enclosed in thick black lines are for official use only.

If there is not enough space for the required information, a signed additional sheet should be filed indicating the relevant section number and heading for each part of the form continued in this way, e.g. "14 – Additional applicant(s)", "19 – Additional representative(s)", "25.1 – Additional declaration(s) of priority" or "32 – Different applicants for different contracting states".

Applicants should indicate their internal reference in Section 6 and in the corresponding box at the bottom of each page.

Page 9 of the request for grant form is the receipt for documents, which constitutes the prescribed

list of documents under Rule 41(2)(i) (see Section 44).

Filing of European patent applications

(a) Online

European patent applications may be filed in electronic form (OJ EPO 2023, A48), i.e. via EPO Online Filing, EPO Online Filing 2.0, the EPO Web-Form Filing service or the EPO Contingency Upload Service. For more details go to epo.org or direct to epo.org/en/applying/myepo-services. The online filing fee is less than the fee for filing on paper.

(b) By fax

European patent applications may also be filed by fax. Confirmation on paper is required only if the EPO specifically requests it (see [OJ EPO 2019, A18](http://epo.org)).

(c) By post or in person

Only the originals of pages 1 to 8 of EPA/EPO/OEB Form 1001 need be filed; copies are not required. The same applies to the description, claims, drawings and abstract. Special rules apply to sequence listings (see Section 38).

II. Filling in the form

The numbering below corresponds to the sections of the request for grant form.

5 Request for examination

See "Request for examination" in the applicants' guide.

This box is always pre-crossed.

Request for examination in an admissible non-EPO language

Persons having their residence or principal place of business in an EPC contracting state with an official language other than English, French or German, and nationals of that state who are resident abroad, may file the request for examination in an admissible non-EPO language (Art. 14(4)).

For applicants who do so – and since Section 5 contains the required translation into the language of the proceedings – the **examination fee** is

reduced by 30% provided they are an SME, a natural person, a non-profit organisation, a university or a public research organisation (Rule 6(4), Article 14(1) RFees; see also point 14.1 below). It is advisable to make the request for examination in an admissible non-EPO language in the request for grant (see also Guidelines for Examination in the EPO, A-X, 9.2). The request for examination in an admissible non-EPO language and its translation into the language of the proceedings may, however, be filed at any time until the examination fee is paid (Article 94(1), Rule 70).

Request-for-examination wordings in admissible non-EPO languages are listed at epo.org.

5.1 Proceeding further with the patent application

Under Rule 70(2), applicants who file a request for examination and pay the examination fee **before** receiving the search report are asked to confirm that they wish to proceed further with the application **after** they have received the search report. In Section 5.1 the right to be asked for such confirmation can be waived. See also "Request for examination" in the applicants' guide.

7 Applicant (name)

The family name should come before given names. Legal persons or bodies equivalent to legal persons must be identified by their exact official name.

9 Applicant (address for correspondence)

An address for correspondence may be given only by applicants who are not obliged to appoint a professional representative authorised to act before the EPO (Article 133 EPC) and have not appointed one. It must be the applicant's own address, and in an EPC contracting state (see OJ EPO 2014, A99).

14 Applicant (additional applicant(s))

Multiple applicants may jointly appoint a single professional representative.

If no common representative is named in Section 15, the applicant first named in the request (Sections 7 and 8) is deemed to be the common representative. However, if one of the applicants is obliged to appoint a professional representative, that representative is deemed to be the common representative unless the first-named applicant has appointed a representative (Rule 151(1)). Only, however, if the request for grant has been duly **signed** by all the applicants or their representative(s) is the common representative entitled to act for them all (see also Section 46).

If all the applicants have their residence or principal place of business in an EPC contracting state, they may jointly name an applicant other than the first-named as their common representative. This should be done on a signed additional sheet.

14.1 Declaration under Rule 6(6)

Under Rule 6(6), applicants wishing to benefit from the fee reduction under Article 14(1) RFees must declare that they are an entity or natural person covered by Rule 6(4). They must file this declaration at the latest by the time of payment of the fee in question, either by crossing the relevant box in Section 14.1 of Form 1001 or separately, e.g. using EPA/EPO/OEB Form 1011 available for download from epo.org. If there are multiple applicants, for the reduction to apply, each one must be an entity or natural person within the meaning of Rule 6(4). In such cases, it is however sufficient for only one of them to be entitled to file documents in an admissible non-EPO language (Article 14(4), Rule 6(3)). For more details see OJ EPO 2014, A23.

15 Representative (name)

Sections 15 to 19 must be completed if a professional representative or a legal practitioner entitled to act as such (Article 134(1) and (8)) is appointed. These sections should not be completed if the applicant, having their residence or principal place of business in an EPC contracting state, is acting through an employee (Article 133(3), first sentence) nor if a joint applicant is appointed as common representative (see Section 14).

Only **one** representative may be named in Section 15, and that representative will then be sent all notifications (Rule 130) and named in the European Patent Register. If an association registered with the EPO is appointed as representative (Rule 152(11); see OJ EPO 2013, 535), the association's registered name and registration number must be indicated.

16 Representative (address of place of business)

This address may contain the name of the company or firm in which the representative is employed.

19 Representative (additional representative(s))

If more than one representative is appointed, those not named in Section 15 must be indicated on a signed additional sheet.

20–21

Authorisation/General authorisation

Under Rule 152(1) to (3) in conjunction with the decision of the President of the EPO dated 12 July 2007, professional representatives who identify themselves as such are required to file a signed authorisation only in particular circumstances (see Special edition No. 3, OJ EPO 2007, L.1).

However, a legal practitioner entitled to act as a professional representative under Article 134(8) or an employee acting for an applicant under Article 133(3), first sentence, who is not a professional representative must file a signed authorisation. If an authorisation is required, the use of EPA/EPO/OEB Form 1003 is recommended for individual authorisations and EPA/EPO/OEB Form 1004 for general authorisations.

If a general authorisation has been filed only shortly before EPA/EPO/OEB Form 1001 is submitted, it may not yet have been registered by the Legal Division, such that applicants cannot yet enter the general authorisation number in **Section 21.1**. In such cases, **Section 21.2** should be crossed. The Receiving Section will record the general authorisation number as soon as it is available.

23 Inventor

If the applicant is not the inventor or is not the sole inventor, the designation of the inventor must be submitted in a separate document. It must contain a statement indicating the origin of the right to the European patent (Article 81, Rule 19(1)). For this purpose applicants are recommended to use EPA/EPO/OEB Form 1002.

24 Title of invention

This must be a clear and concise technical designation of the invention. All fanciful names are excluded. As matter published in the European Patent Bulletin and entries in the European Patent Register must, under Article 14(7) and (8), appear in all three EPO official languages, in Section 24 the title of the invention should preferably be indicated in the three official languages.

25 Declaration of priority and search results under Rule 141(1)

The declaration of priority must indicate the date of the previous filing, the state party to the Paris Convention or member of the World Trade Organization in or for which it was made and the file number (Rule 52(1)). The declaration of priority should preferably be made on filing the

European patent application, but it may still be made within sixteen months of the earliest priority date claimed (Rule 52(2)). The priority document must be filed within sixteen months of the earliest priority date claimed (Rule 53(1)), unless it is available to the EPO and can be included in the file (Rule 53(2)).

For details on filing the priority document, see "Claiming priority" in the applicants' guide.

For each application whose priority is claimed, a copy of any search results from the authority with which the application was filed must be supplied (Rule 141(1)), unless the applicant is exempted under Rule 141(2).

The side box(es) in Section 25 must be crossed only if copies of the documents are indeed supplied when filing the form. If, however, a copy of the search results is included in the file by the EPO (Rule 141(2)), no action is required on the part of the applicant. (A list of offices of first filing to which Rule 141(2) applies is published in the Guidelines for Examination in the EPO, A-III, 6.12.)

25.1 WIPO Digital Access Service (DAS)

If an application whose priority is claimed was filed with a DAS participating office, the applicant can request the EPO as Office of Second Filing (OSF) to obtain a certified copy of the priority document from the Office of First Filing (OFF) via DAS by indicating the DAS access code (OJ EPO [2021, A83](#) and [OJ EPO 2019, A27](#)). The applicant is not charged for this service.

25.2 If the 12-month priority period (Article 87(1)(b)) has elapsed, the filing of a request for re-establishment of rights can be indicated in Section 25.2. Applicants are reminded of the requirements under Article 122 and Rule 136(1) which must be observed in order for such requests to be valid. In particular, the fee for re-establishment of rights must be paid, and the substantiated request must be filed within two months of expiry of the priority period under Article 87(1)(b) (Rule 136(1)).

25.3 This section is for use by applicants wishing to submit a declaration under Rule 53(3).

26 Reference to a previously filed application

See "Filing by reference" in the applicants' guide.

26.1 Instead of the filing of application documents, a European patent application can be filed by means of a reference to a previously filed application (Rule 40(1)(c)). This reference replaces the description and any drawings. In box

26.1 the particulars of the previously filed application must be indicated (Rule 40(2)).

- 26.2** If this box is crossed, the reference to the previously filed application also replaces the claims (Rule 57(c)).

26.3–26.4

If a certified copy or translation (Rule 40(3)) is attached or will be supplied later, this must be indicated (see OJ EPO 2009, 486).

27 Divisional application

Applicants may file a European divisional application relating to any pending earlier European patent application (the parent application).

- 27.1** An additional fee forming part of the filing fee is payable for European divisional applications filed in respect of any earlier application which is itself a divisional application, i.e. for divisional applications of second or subsequent generations (Rule 38(4), Article 2(1), item 1b, RFees).

For details, see the notice from the EPO dated 8 January 2014 concerning European divisional applications – amendment of Rules 36, 38 and 135 EPC and Article 2(1) RFees (OJ EPO 2014, A22).

28 Article 61(1)(b) application

Section 28 covers the special case where it has been adjudged by a final decision that a person other than the applicant is entitled to the grant of a European patent and therefore may file a new European patent application in respect of the same invention.

29 Claims

Any European patent application comprising more than fifteen claims incurs a claims fee in respect of the sixteenth and each subsequent claim (Rule 45(1), (2), Article 2(1), item 15, RFees).

30 Figure proposed for publication with the abstract

Rule 47(4) stipulates that if the European patent application contains drawings, the applicant must indicate the figure or, exceptionally, the figures of the drawings which he suggests should be published with the abstract. Each essential feature mentioned in the abstract and illustrated by a drawing must be followed by a reference sign placed in parentheses.

31 Designation of contracting states and associated declarations

All the contracting states party to the EPC at the time of filing of the European patent application are deemed to be designated (Article 79(1)). In a divisional application, all the contracting states designated in the earlier application at the time of filing of the divisional application are deemed to be designated (Article 76(2)).

Payment of the flat-rate designation fee covers the designation of all contracting states (Article 79, Rule 39(1), Article 2(1), item 3, RFees), unless individual designations are expressly withdrawn. A designation may be withdrawn at any time up to the grant of the European patent (Article 79(3)). See also "Fees" in the applicants' guide.

An up-to-date list of the contracting states is available at epo.org.

33 Extension and validation of European patents

The application is deemed to be a request to extend or validate the European patent application and the European patent granted in respect of it to or in all states not party to the EPC with which extension or validation agreements are in force on the date of filing of the application. The request for extension or validation for a state is deemed withdrawn if the extension/validation fee is not paid to the EPO within the time limits laid down in the EPC for the payment of the designation fee (Rule 39(2)) (see Guidelines for Examination in the EPO, A-III, 12).

- 33.1** Extension of European patent applications and the resulting European patents may be requested for states for which an extension agreement with the EPO has become effective (as at January 2024: Bosnia and Herzegovina).

- 33.2** Validation of European patent applications and the resulting European patents may be requested for states for which a validation agreement with the EPO has become effective (as at January 2024: Morocco, the Republic of Moldova, Tunisia, Cambodia and Georgia). The EPO publishes the necessary information about such agreements on its website and in its Official Journal in good time before their entry into force. With regard to Cambodia, please note that pharmaceutical products are excluded from patent protection until 2033 (OJ EPO 2018, A16).

34–37

Biological material

These sections relate solely to biological material deposited under Rule 31. See the notice from the EPO dated 7 July 2010 concerning inventions

which involve the use of or concern biological material (OJ EPO 2010, 498) and "Biotechnology applications" in the applicants' guide.

- 34** Under Rule 31, biological material which is not available to the public and which cannot be described in the European patent application in such a manner as to enable the skilled person to carry out the invention must be deposited with a recognised depositary institution on the terms laid down in the Budapest Treaty no later than the date of filing of the application (Rule 31(1)(a)). Recognised depositary institutions are the international depositary authorities under the Budapest Treaty and institutions with which the EPO has concluded a bilateral agreement. The deposit must also have been effected in accordance with the provisions of the Budapest Treaty or the bilateral agreement. If originally effected in accordance with other provisions, the deposit must have been converted into a deposit under the Budapest Treaty or the bilateral agreement no later than the date of filing of the European patent application. The relevant information on the characteristics of the biological material must be given in the application as filed (Rule 31(1)(b)).

34.1

- a** In order to comply with the requirements under Rule 31(1)(c), applicants should indicate the name and address of the depositary institution and the accession number, if already known. In addition, the identification reference of the biological material can be specified.
- b** Applicants must indicate where in the description the information required under Rule 31(1)(c) (depositary institution and the deposit accession number) or the depositor's identification reference can be found.

Alternatively, the information required under Rule 31(1)(c) can be submitted within the period specified in Rule 31(2).

- 34.2** Applicants are strongly advised to submit the receipt for the deposit issued by the depositary institution, preferably when filing their European patent application, as this enables the EPO to check compliance with Rule 31(1) and hence Article 83.

35–35.1

Authorisation by the depositor under Rule 31(1)(d)

Where the biological material has been deposited by a person other than the applicant, the name and address of the depositor should be stated in the application in accordance with Rule 31(1)(d),

and a statement of authorisation signed by the depositor must be submitted. These items, including the statement of authorisation, may also be furnished within the period laid down in Rule 31(2). The statement of authorisation may be worded as follows:

"The undersigned, ... [name and full address of the depositor], has deposited with ... [name of recognised depositary institution] under accession number ... biological material on the same terms as those laid down in the Budapest Treaty [or, where applicable, the bilateral agreement between the EPO and the depositary institution concerned]. The undersigned depositor hereby authorises ... [name of applicant] to refer to the aforementioned deposited biological material in European patent application No. ... [where this is not available, applicant's/representative's reference number] and gives their unreserved and irrevocable consent to the deposited material being made available to the public in accordance with Rule 33 EPC as from the date of filing of the aforementioned European patent application."

36 Waiver under Rule 33(2)

The issue of a sample of the biological material to a third party ("requester") is subject to the requester's undertaking vis-à-vis the applicant not to make the biological material issued to him or any biological material derived therefrom available to any third party and to use that material for experimental purposes only (Rule 33(2)). The applicant may expressly waive this undertaking by filing a separate, signed statement. This waiver must specify the biological material concerned (depositary institution and accession number or depositor's reference number as shown in the application documents). It may also be declared at any time after the application has been filed.

37 Expert solution

By crossing this box, the applicant declares that a sample of the biological material available to the public (Rule 33) may only be issued to an independent expert nominated by the requester (Rule 32(1)). The declaration must be made before completion of the technical preparations for publication of the European patent application.

38 Nucleotide and amino acid sequences

If nucleotide or amino acid sequences are disclosed in the European patent application, the description must contain a sequence listing in XML format complying with WIPO Standard ST.26 and presented as a separate part of the description in accordance with that standard (see OJ EPO 2021, A96 and A97).

38.3 The box in Section 38.3 is pre-crossed enabling the EPO to add a copy of the standard-compliant sequence listing filed for the earlier (parent) application to the dossier of the divisional application in XML format and for search purposes only (i.e. not as part of the description) (see OJ EPO 2021, A97, point 18). The sequence listing of the earlier application is not automatically added to the dossier of the divisional application if

- the applicant files an ST.26-compliant sequence listing as part of the divisional application's description or if
- the sequence listing available in the earlier application does not comply with WIPO Standard ST.26.

39 Additional copies of the documents cited in the European search report

Please see the "Schedule of fees and expenses" published in the EPO's Official Journal and at epo.org for the fee payable per set of copies.

42 Payment

Fees due in respect of a patent application can be paid by debiting a deposit account held with the EPO, by credit card or by bank transfer. For more information, including information on how to claim refunds, see "[Fee payments and refunds](#)" at epo.org.

Debiting a deposit account/automatic debiting

The procedure for paying by debiting a deposit account or by automatic debiting is set out in detail in the Arrangements for deposit accounts (ADA), the Arrangements for the automatic debiting procedure (AAD, Annex A.1 to the ADA) and the Information from the EPO concerning the automatic debiting procedure (Annex A.2 to the ADA) published in the supplementary publication to the EPO's Official Journal.

Careful attention should be paid to the conditions applicable to the filing of debit orders.

Payment by credit card

Payments by credit card must be made via the Central Fee Payment service available at epo.org, using a credit card accepted by the EPO (American Express, Master Card and VISA).

Bank transfers

Payments by bank transfer can be prepared using the Central Fee Payment service available at epo.org. The procedure is set out in detail in OJ EPO 2022, A81.

Payments by bank transfer must be made to the following account with the Commerzbank in Germany:

Account No. 3 338 800 00 / Sort code 700 800 00

IBAN DE20 7008 0000 0333 8800 00

BIC DRESDEFF700

Commerzbank AG
Leopoldstrasse 230
80807 Munich
Germany

For fee information, see "Guidance for the payment of fees, expenses and prices", which is published regularly in the EPO's Official Journal.

For the fee amounts, see the publication "Schedule of fees and expenses" or the "Interactive schedule of fees" available at epo.org under "Applying for a patent -> Fees".

44 List of enclosed documents

Section 44 refers applicants to the prepared receipt for documents on page 9 (Sections 47 to 49) of the request for grant form, on which the enclosed documents must be specified (Rule 41(2)(i)).

Filing this duly completed receipt constitutes compliance with the requirement under Rule 41(2)(i) for the applicant to file a separate list of the documents enclosed with the request.

46 Signature

If the applicant is a legal person other than an individual and the request for grant is not signed by the representative, it must be signed:

- (a) either by a person entitled to sign by law or the applicant's articles of association or similar, with an indication of that person's position, e.g. Geschäftsführer, Prokurist, Handlungsbevollmächtigter; chairman, director, company secretary; directeur, fondé de pouvoir (Article 133(1)), in which case no authorisation need be filed,
- (b) or by an employee under Article 133(3), first sentence (Rule 152(1)-(3)), if the legal person's principal place of business is in a contracting state, in which case an authorisation must be filed (see also the instructions for filling in Sections 20 and 21).

47 Application documents

The description, claims, drawings and abstract must be filed in one copy. The number of sheets and the total number of figures must also be

indicated.

48–49

Receipt for documents

Having completed the receipt for documents, the applicant should file the **original receipt plus two copies** or, if filing with the competent national authority of an EPC contracting state, **the original plus three copies**. The address to which the acknowledgment of receipt is to be returned must be indicated in the space provided.

The extra copies of page 9 are also required for fax filings, as a copy is kept by each receiving office and another copy is stamped and returned to the applicant.

A receipt for documents issued by the EPO in respect of a European patent application filed with a national authority is regarded as a communication under Rule 35(4) (see RENA box). Once a communication under Rule 35(4) has been received, all further documents relating to the application are to be filed direct with the EPO.