

## Notes on General authorisation (EPA/EPO/OEB Form 1004)

### I. General instructions

These notes explain how to complete EPA/EPO/OEB Form 1004.

The use of this form is recommended for issuing a general authorisation for representatives before the European Patent Office (EPO): **professional representatives** and **legal practitioners** under Article 134(1) and (8) EPC, **employees** under Article 133(3), first sentence, EPC and **associations of representatives** under Rule 152(11) EPC. If the person authorised (hereinafter: "**authorisee**") is an employee who is not a professional representative or a legal practitioner, the party giving the authorisation (hereinafter: "**authorisor**") must declare that the authorisee is their employee on the general authorisation form itself (in the authorisee field) or in a covering letter. As to the case referred to in Article 133(3), second sentence, EPC, no implementing regulation has been adopted as yet.

Professional representatives whose names appear on the list maintained by the EPO and who identify themselves as such are required to file a signed authorisation only in the cases specified under Rule 152(1) EPC in conjunction with Article 1 of the decision of the President of the EPO dated 12 July 2007 on the filing of authorisations, Special edition No. 3, OJ EPO 2007, L.1.

By contrast, legal practitioners entitled to act as representatives under Article 134(8) EPC and employees who are representing a party under Article 133(3), first sentence, EPC but are not professional representatives must always file a signed authorisation or refer to a general authorisation already on file (Rule 152(1) EPC in conjunction with Articles 2 and 3 of the above-mentioned decision of the President of the EPO dated 12 July 2007, Special edition No. 3, OJ EPO 2007, L.1.).

All decisions, summonses and communications will be sent to the appointed representative (Rule 130 EPC), except where employees (Article 133(3) EPC) are authorised, in which case these documents will be sent to the applicant.

An authorisation does not terminate vis-à-vis the EPO upon the death of an authorisor unless expressly provided otherwise on a separate sheet (Rule 152(9) EPC).

Please note that filing a general authorisation is distinct from appointing a representative for a specific case. A party granting a general authorisation is not bound to appoint any of the

representatives listed in it in any specific proceedings before the EPO. Nor does a general authorisation allow the EPO to assume, without any additional information, that a person listed in it is to be appointed as a representative in a specific case. Therefore, a party wishing to appoint the representative(s) listed in a general authorisation in a specific case must notify the EPO accordingly, referring to the number of that already registered general authorisation (cf. Guidelines A-VIII, 1.7).

Form 1004 is available on the EPO website (epo.org).

### II. Filling in the form

The numbering below corresponds to the sections of Form 1004 "General Authorisation".

1. Enter in the box the name and address of the **authorisor** and the state in which their residence or principal place of business is located, in the way specified in Rule 41(2)(c) EPC:

"Names of natural persons shall be indicated by the person's family name, followed by his given names. Names of legal persons, as well as of bodies equivalent to legal persons under the law governing them, shall be indicated by their official designations. Addresses shall be indicated in accordance with applicable customary requirements for prompt postal delivery and shall comprise all the relevant administrative units, including the house number, if any."

Where the authorisation is given by more than one party, the details for the additional authorisors **must be indicated on a separate sheet**. If there are several authorisors, a general authorisation can also be used where only one or some of them are to be represented. If one of several authorisors cancels a general authorisation, it remains valid for the others under the previous registration number. This applies equally to general authorisations already registered.

2. Enter here the **authorisee's** name and the address of their place of business in the same way as specified in note 1 above. Please also specify here whether the authorisee is a professional representative, a legal practitioner, an employee or an association of representatives. If an association of representatives within the meaning of Rule 152(11) EPC is authorised, the name and the registration number of the association must be given. **Where the authorisation is given to more than one representative, please enter the details of the authorisee to whom the EPO is to send a copy of the form showing the general**

**authorisation number. The details for the additional authorisees must be indicated on a separate sheet.** Since no communication regarding registration of the general authorisation is added to the files relating to the application for which the authorisee is or is to be appointed as representative, it is not permissible to revoke earlier specific authorisations in a general authorisation. If a general authorisation is intended to supersede an earlier general authorisation, the number of the earlier one must be stated. A general authorisation of one or more authorisees terminates as soon as the authorisor or the authorisee concerned – **but not another authorisee** – has communicated its termination to the EPO (D. 5.3.2.1). The communication must be clear and unambiguous. It is not sufficient to file a new general authorisation which does not include the name of the authorisee concerned (Rule 152(7) and (8) EPC).

3. A general authorisation may cover more than one application or patent and entitles a representative to take all procedural acts on behalf of the authorisor(s). However, the **powers** mentioned separately on the form (to act in PCT proceedings, **to act in proceedings relating to the European patent with unitary effect**, to receive payments and to issue a sub-authorisation) must each be **expressly** granted by checking the appropriate boxes. Powers other than those mentioned above cannot be excluded in a general authorisation.
4. Checking this box entitles the representative to act in proceedings established by the Patent Cooperation Treaty.
5. The EPC provisions governing representation apply *mutatis mutandis* to any proceedings relating to European patents with unitary effect (Rule 20(1) and (2)(l) of the Rules relating to Unitary Patent Protection). Checking this box entitles the representative to act in proceedings relating to the European patent with unitary effect, including filing a request for unitary effect.
6. The EPC provisions on authorisations also apply to any **sub-authorisation** (Article 133(3), first sentence, and Rule 152 EPC), be it (a) a **specific sub-authorisation** (Rule 152(2), second sentence, EPC) or (b) a **general sub-authorisation** (Rule 152(4) EPC). EPO Form 1004 can also be used to issue a general sub-authorisation; the sub-authorisor must then indicate the number of the general authorisation from which they derive their power to issue it. When it is registered, the general sub-authorisation is given the same number as the general authorisation by virtue of which it has been issued.
7. If this box has been checked, the EPO will return a copy showing the number under which it has registered the general authorisation to the authorisor (see note 2 above). In all cases, the EPO will transmit a copy to the authorisee (see note 3 above).
8. Handwritten (wet) signature(s) of the authorisor(s). Where the authorisation is signed on behalf of a legal person, **only such persons as are entitled**

**to sign by law, by the legal person's articles of association or equivalent or by a special mandate may do so.** In all cases, an indication is to be given of the signatory's position within the entity entitling them to sign (e.g. president, director, company secretary; Geschäftsführer, Prokurist, Handlungsbevollmächtigter; président, directeur, fondé de pouvoir). Employees signing on behalf of a legal person must print their name and their position within the company. They must be entitled to sign legally binding acts by national law, by the legal entity's articles of association or equivalent, or by a special mandate. It lies within the responsibility of the authorisor to ensure that the signatory is duly entitled to sign the authorisation according to the national law applicable. The EPO reserves the right to request documentary proof of the signatory's authority to sign if the circumstances of a particular case necessitate this. **An authorisation bearing the signature of a person not entitled to sign will be treated as an unsigned authorisation.**

**Disclaimer:**

**Please note that any change or addition made to the standard text of Form 1004 has no legal consequence before the EPO.**