

Notes on the declaration of the transfer of one or more European patent applications/patents – form EPO 5055

This form is intended to accompany a request for registration of transfer of rights (preferably filed using form EPO 5050). It can be used as proof that a transfer has taken place but it does not replace the request for registration of a transfer.

The EPO will record a transfer of rights in respect of a pending European patent application in the European Patent Register on request, upon fulfilment of the requirements of Rule 22 EPC. These requirements are: filing a duly signed request, paying the corresponding fees and providing the required evidence (Guidelines, E-XIV, 3). In accordance with Article 72 EPC, that evidence must be in writing and must be signed by the parties to the contract. It can take the form of a bilateral declaration signed by both parties. Form EPO 5055 is provided for this purpose.

1. Applications/patents concerned

Always indicate the European patent application number as follows: eight digits and a check digit.

Tick the second box if the request concerns more than one application/patent, and attach an annex listing each application number concerned. If the list includes application numbers that are not covered by the request, please indicate which ones are to be transferred (e.g. by marking them with an "x"). The request will be dismissed if the necessary details are not supplied. Wording of the type "all applications/ patents pending before the EPO" will not be accepted.

2. Assignor

Enter the name and address of the assignor exactly as recorded in the European Patent Register. If several co-applicants/co-proprietors have assigned their rights, use an additional sheet.

3. Assignee

Indicate the names and addresses of the new applicants or proprietors as they are to be mentioned in the European Patent Register. The family name should come before given names. Legal persons or bodies equivalent to legal persons must be identified by their exact official name.

4. Extent of the transfer

Please tick the relevant box: otherwise and if the transfer concerns only two parties, the scope will be considered as being a transfer in whole. In the case of co-applicants/co-proprietors, it should be specified exactly whether the transfer concerns all or only some of the designated contracting states.

For example, if applicant A transfers only France to B, the box "transfer in part" should be ticked and "FR" should be mentioned. As a result, B will be registered as an applicant for FR and A for the other designated contracting states.

5. and 6. Signatures and entitlement to sign

The declaration of transfer must be signed by the assignor(s) and the assignee(s) or a legally authorised person. 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 law, by the legal entity's articles of association or equivalent, or by a special mandate. In this respect national law applies. It lies within the responsibility of the requester, be it a professional representative or one of the contracting parties, to ensure that the signatories were duly authorised to sign this declaration of transfer 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.

As a rule, the authorisation to represent a party in proceedings before the EPO within the meaning of Rule 152 EPC, be it an individual or a general authorisation, is not as such considered to empower the representative to sign a declaration of this kind (Guidelines E-XIV, 3).