Notes on "European patent with unitary effect – General authorisation" (EPA/EPO/OEB Form 7004)

I. General instructions

These notes explain how to complete EPA/EPO/OEB Form 7004.

The provisions of the European Patent Convention (EPC) 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 (UPR)).

The use of this form is recommended for issuing a
general authorisation for representatives to act
before the European Patent Office (EPO) in
relation to European patents with unitary effect:
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 issued 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 20(2)(l) UPR in conjunction with Rule 152(1)
EPC and 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

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 20(2)(l) UPR in
conjunction with Rule 152(1) EPC and Articles 2
and 3 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 20(2)(l) UPR in conjunction with Rule 130
EPC), except where employees (Rule 20(1) UPR
in conjunction with Article 133(3) EPC) are
authorised, in which case these documents will be
sent to the proprietor.

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 20(2)(l) UPR in conjunction with 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 number (cf.
Guidelines A-VIII, 1.7).

Form 7004 is available on the EPO website
(epo.org).

II. Filling in the form

The numbering below corresponds to the sections
of Form 7004 "European patent with unitary effect
– 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 under Rule 6(2)(a) UPR in conjunction with
Rule 152(1) EPC and 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

2. "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."

3. Where the authorisation is given by more than one
party, the details for the additional authorisers
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.

4. 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 20(2)(l) UPR in conjunction with 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 the registration of the general authorisation is added to the files relating to the European patent with unitary effect 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 20(2)(l) UPR in conjunction with Rule 152(7) and (8) EPC).

5. A general authorisation may cover more than one European patent with unitary effect and entitles a representative to take all procedural acts on behalf of the authorisor(s). However, the powers mentioned separately on the form (to receive payments and to issue a sub authorisation) must each be expressly granted by checking the appropriate boxes.

6. Powers other than those mentioned above cannot be excluded in a general authorisation.

7. The EPC provisions on authorisations also apply to any sub-authorisation (Rule 20(1) and (2)(l) UPR in conjunction with Article 133(3), first sentence, and Rule 152 EPC), be it (a) a specific sub-authorisation (Rule 20(2)(l) UPR in conjunction with Rule 152(2), second sentence, EPC) or (b) a general sub-authorisation (Rule 20(2)(l) UPR in conjunction with Rule 152(4) EPC). EPO Form 7004 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.

8. If this box is checked, the EPO will return a copy showing the number under which it has registered the general authorisation to the authorisor. In all cases, the EPO will transmit a copy to the authorisee.

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 legal 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 7004 has no legal consequence before the EPO.