

Data protection statement¹ on the processing of personal data in the context of the administration of the European Patent Register

Protecting your privacy is of the utmost importance to the European Patent Office (EPO). We are committed to protecting your personal data and ensuring respect for data subjects' rights when performing our tasks and providing our services. All data of a personal nature that identify you directly or indirectly will be processed lawfully, fairly and with due care.

The processing operations described below are subject to the EPO Data Protection Rules ([DPR](#)).

The information in this statement is provided in accordance with Articles 16 and 17 DPR.

Pursuant to Article 20 of the European Patent Convention (EPC), the Legal Division of the EPO is responsible for decisions in respect of entries in the Register of European Patents. Therefore, the Legal Division, which is part of the Principal Directorate 5.3 Patent Law and Procedures (PD 5.3), administers the European Patent Register. This data protection statement relates to the processing of personal data for the purposes of the administration of the European Patent Register.

1. What is the nature and purpose of the processing operation?

Personal data are received internally from a DG 1 formalities officer via a Madras mailbox message, or in exceptional cases by post or fax, when the procedural step is in scope of the Legal Division, or guidance /legal advice is sought from the Legal Division. A member of the Legal Division assesses the facts and takes a decision on whether a change must be made in the register. In rare cases, the matter may require obtaining legal advice (see the corresponding record on legal advice related to institutional issues and activities of the Legal Division and Unitary Patent Division). This decision is registered in Madras, after which the Register is updated automatically. A communication is then sent to the relevant party, usually sent by post by the Legal Division. However, if the representative has a dedicated Madras mailbox, the communication is automatically sent there. EPC provisions sometimes require communication/notification via DG1 formalities officers. In cases where a request reaches the Legal Division through the DG1 ticketing system, personal data do not leave that system. The answer is sent to the requester via the ticketing system. In exceptional circumstances, requesters can email the Legal Division, in which personal data may be shared.

The described processing activities are required to enable the Legal Division to administer the European Patent Register.

The processing is not intended to be used for any automated decision-making, including profiling.

Your personal data will not be transferred to recipients outside the EPO which are not covered by Article 8(1), (2) and (5) DPR unless an adequate level of protection is ensured. In the absence of an adequate level of protection, a transfer can only take place if appropriate safeguards have been put in place and enforceable data subject rights and effective legal remedies for data subjects are available, or if derogations for specific situations as per Article 10 DPR apply.

2. What personal data do we process?

With regard to non-EPO staff (external data subjects), the following categories of personal data may be processed:

- personal identifying data, including contact details (e.g. name, email address, phone number, passport

- or national identity card number);
- employment information (company entity, job title);
- information related to the European Patent Register (address, any personal data included in the patent);
- other data (any personal data provided in the course of correspondence (e.g. evidence provided pursuant to Rule 22 EPC), ticketing data, in rare cases health-related data (e.g. evidence provided pursuant to Rule 142(1)(a) EPC related to an interruption of proceedings due to legal incapacity), and financial data in the event that a refund is issued by the Office).

With regard to EPO staff in their capacity as data subjects, the following categories of personal data may be processed:

- personal identifying data, including contact details (name, phone number);
- employment information (business unit, job title).

3. Who is responsible for processing the data?

Personal data are processed under the responsibility of PD 5.3 Patent Law and Procedures.

Personal data are processed by the EPO staff in the Legal Division, part of PD 5.3 Patent Law and Procedures, who are involved in the administration of the European Patent Register referred to in this statement. Personal data are also processed by EPO staff in D 5.4 Patent Intelligence, and staff in DG 1 Patent Granting Process.

External contractors involved in the provision and maintenance of tools and services necessary for the administration of the European Patent Register, such as Microsoft and ServiceNow, may also access and process personal data.

4. Who has access to your personal data and to whom are they disclosed?

Personal data are accessed by the EPO staff working in the Legal Division, part of PD 5.3 Patent Law and Procedures.

Personal data may be disclosed on a need-to-know basis to EPO staff working in PD 5.4 Patent Intelligence and in DG 1 Patent Granting Process. Personal data may be disclosed to EPO staff with Madras access. Personal data may also be disclosed to trustees outside of member states who are notified about the information to be published in the European Patent Register.

All personal data in the European Patent Register is accessible to the public.

Personal data may be disclosed to third-party service providers, such as Microsoft and ServiceNow, for the purposes of the provision and maintenance of tools and services necessary for the administration of the European Patent Register.

Personal data will only be shared with authorised persons responsible for the necessary processing operations and will not be used for any other purposes or disclosed to any other recipients.

5. How do we protect and safeguard your personal data?

We take appropriate technical and organisational measures to safeguard and protect your personal data from accidental or unlawful destruction, loss, alteration and unauthorised disclosure or access.

All personal data are stored in secure IT applications in accordance with the EPO's security standards. Appropriate levels of access are granted individually only to the above-mentioned recipients.

For systems hosted on EPO premises, the following basic security measures generally apply:

- user authentication and access control (e.g. role-based access control to the systems and network, principles of need-to-know and least privilege);

- logical security hardening of systems, equipment and the network;
- physical protection: EPO access controls, additional access controls to the data centre, policies on locking offices;
- transmission and input controls (e.g. audit logging, systems and network monitoring);
- security incident response: 24/7 monitoring for incidents, on-call security expert.

In principle, the EPO operates a paperless policy management system. However, if paper files containing personal data need to be stored on EPO premises, they are locked in a secure location with a restricted access.

For personal data processed on systems not hosted on EPO premises, the EPO has carried out a privacy and security risk assessment. The providers processing the personal data have committed in a binding agreement to comply with their data protection obligations under the applicable data protection legal frameworks.

External providers are required to have implemented appropriate technical and organisational measures, such as:

- physical security measures, access and storage control measures, securing data at rest (e.g. by means of encryption);
- user, transmission and input control measures (e.g. network firewalls, network intrusion detection system (IDS), network intrusion protection system (IPS), audit logging);
- conveyance control measures (e.g. securing data in transit by means of encryption).

6. How can you access, rectify and receive your data, request that your data be erased or restrict/object to processing? Can your rights be restricted?

You have the right to access, rectify and receive your personal data, not to be subject to a decision based solely on automated processing, to have your data erased and to restrict and/or object to the processing of your data (Articles 18 to 24 DPR), unless the EPC, the PCT or any practices or provisions applicable under them require otherwise in relation to personal data processed in the patent granting and related procedures (see the Decision of the President of 13.12.2021, OJ EPO 2021, A98).

The right to rectification can only apply to inaccurate or incomplete factual data processed in the context of the EPO's tasks, duties and activities; it does not apply to subjective statements, including those made by third parties. The right to erasure does not apply where the controller has a legal obligation (e.g. to maintain the European Patent Register) that requires the processing of personal data.

If you would like to exercise any of these rights, external data subjects should write to DPOexternalusers@epo.org or contact the delegated data controller at pdpatentlaw-dpl@epo.org. In order to enable us to respond more promptly and precisely, you always need to provide certain preliminary information with your request. We therefore encourage you to fill in this [form](#) (for externals) or this [form](#) (for internals) and submit it with your request.

We will reply to your request without undue delay and in any event within one month of receipt of the request. However, Article 15(2) DPR provides that this period may be extended by two further months where necessary in view of the complexity and number of requests received. We will inform you of any such delay.

7. What is the legal basis for processing your data?

Personal data are processed on the basis of Article 5 DPR:

- (a) processing is necessary for the performance of a task carried out in the exercise of the official activities of the European Patent Organisation or in the legitimate exercise of the official authority vested in the controller;
- (b) processing is necessary for compliance with a legal obligation to which the controller is subject.

Personal data are processed on the basis of the following legal provisions and instruments:

- Article 127 and Rules 14, 22, 23, 24, 142 and 144 EPC Decision of the President of the European Patent Office dated 21 November 2013 concerning the responsibilities of the Legal Division, OJ EPO

2013, 600.

- Decision of the President of the European Patent Office dated 21 November 2013 concerning the entrustment to non-legally qualified staff of certain duties incumbent on the Legal Division, OJ EPO 2013, 601.

8. How long do we keep your data?

For reasons of legal certainty, your personal data processed in the context of the administration of the European Patent Register are kept for an indefinite period.

In the event of a formal appeal/litigation, all data kept on file when the formal appeal/litigation was initiated will be kept until the proceedings have been concluded.

9. Contact information

External data subjects who have any questions about the processing of their personal data should contact the DPO and/or the delegated data controller at DPOexternalusers@epo.org. EPO staff should contact the delegated data controller at pdpatentlaw-dpl@epo.org or the data protection officer at dpo@epo.org.

Review and legal redress

If you consider that the processing infringes your rights as a data subject, you have the right to request a review by the controller under Article 49 DPR and, if you disagree with the outcome of the review, the right to seek legal redress under Article 50 DPR.