

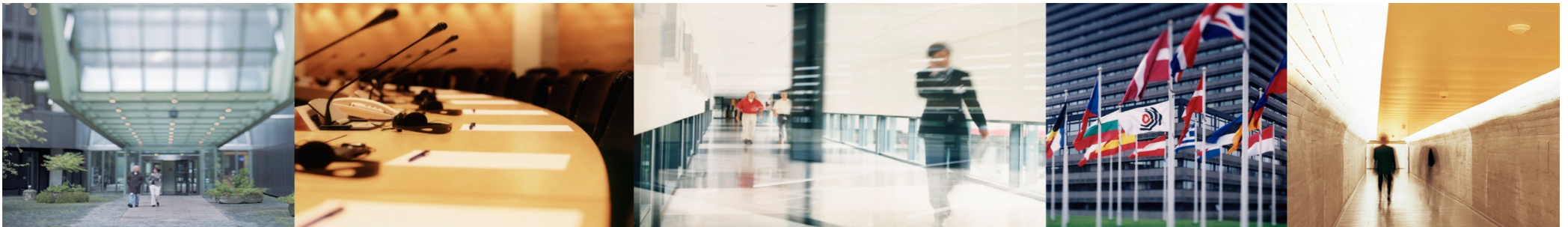


Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

The European Patent Office as the executive body of the European Patent Organisation

Enrique Molina Galan
Director Biotechnology

September 2009



European Patent Organisation

- A European intergovernmental institution, but
- **not an EU institution**
- Self-financing, i.e. revenue from fees covers operating and capital expenditure
- **36 member states**
- a market of over 500 M citizens
- **Single procedure & language**

Member states:



Austria • Belgium • Bulgaria • Croatia
• Cyprus • Czech Republic • Denmark
• Estonia • Finland • France •
Germany • Greece • Hungary •
Iceland • Ireland • Italy • Latvia •
Liechtenstein • Lithuania
• Luxembourg • Former Yugoslav
Republic of Macedonia • Malta •
Monaco • Netherlands • Norway •
Poland • Portugal • Romania • San
Marino • Slovakia • Slovenia • Spa
Sweden • Switzerland • Turkey •
United Kingdom

Extension agreements:

Albania • Bosnia-Herzegovina •
Serbia

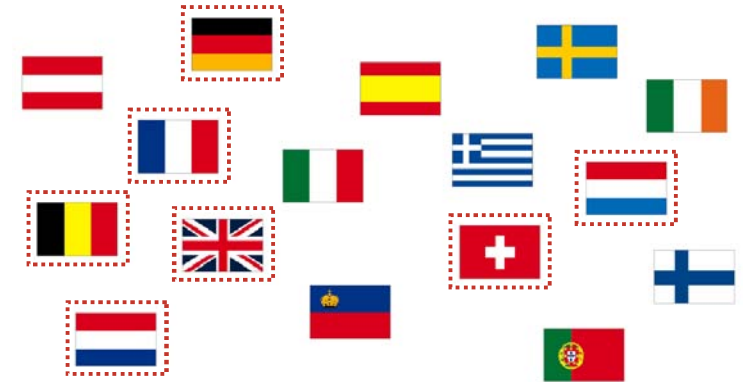
A bit of History

§ 1973 Diplomatic conference setting up EPC

§ 1977 EPC enters into force

§ 1978 EPO starts operating and receives first European applications

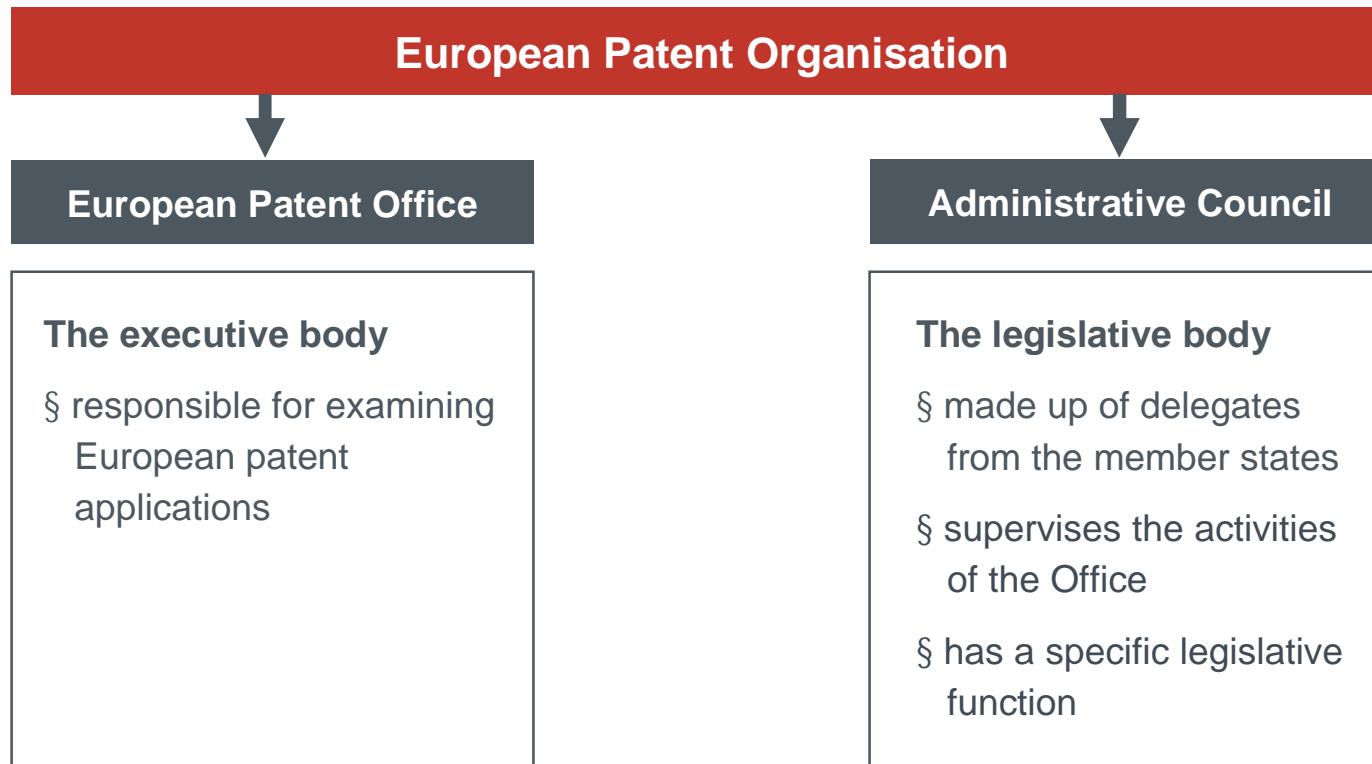
- 2000 Diplomatic conference performs the first comprehensive overhaul of EPC; EPC 2000
- 2007 EPC 2000 enters into force



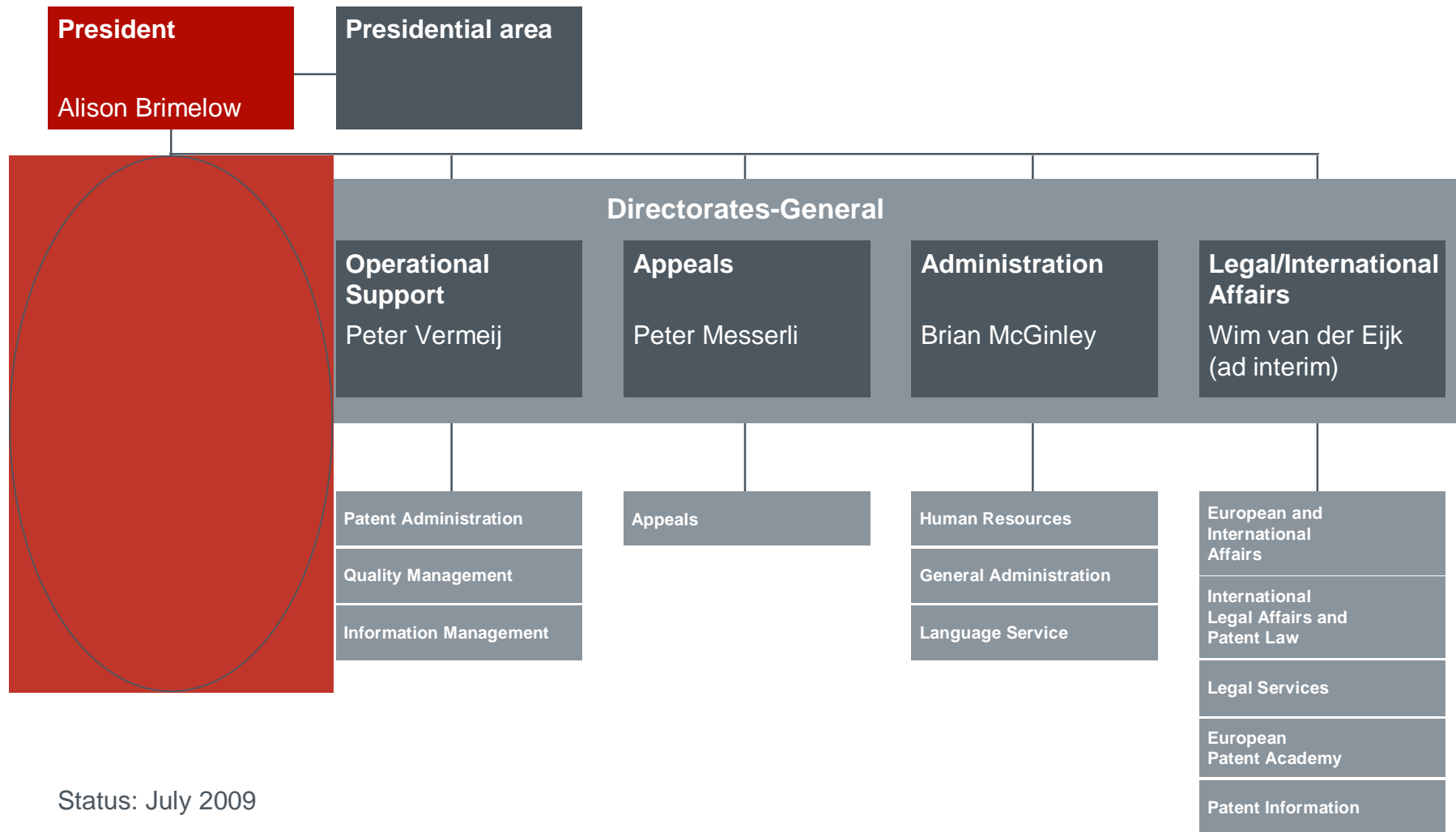
Structure of the EPO



Structure of the European Patent Organisation

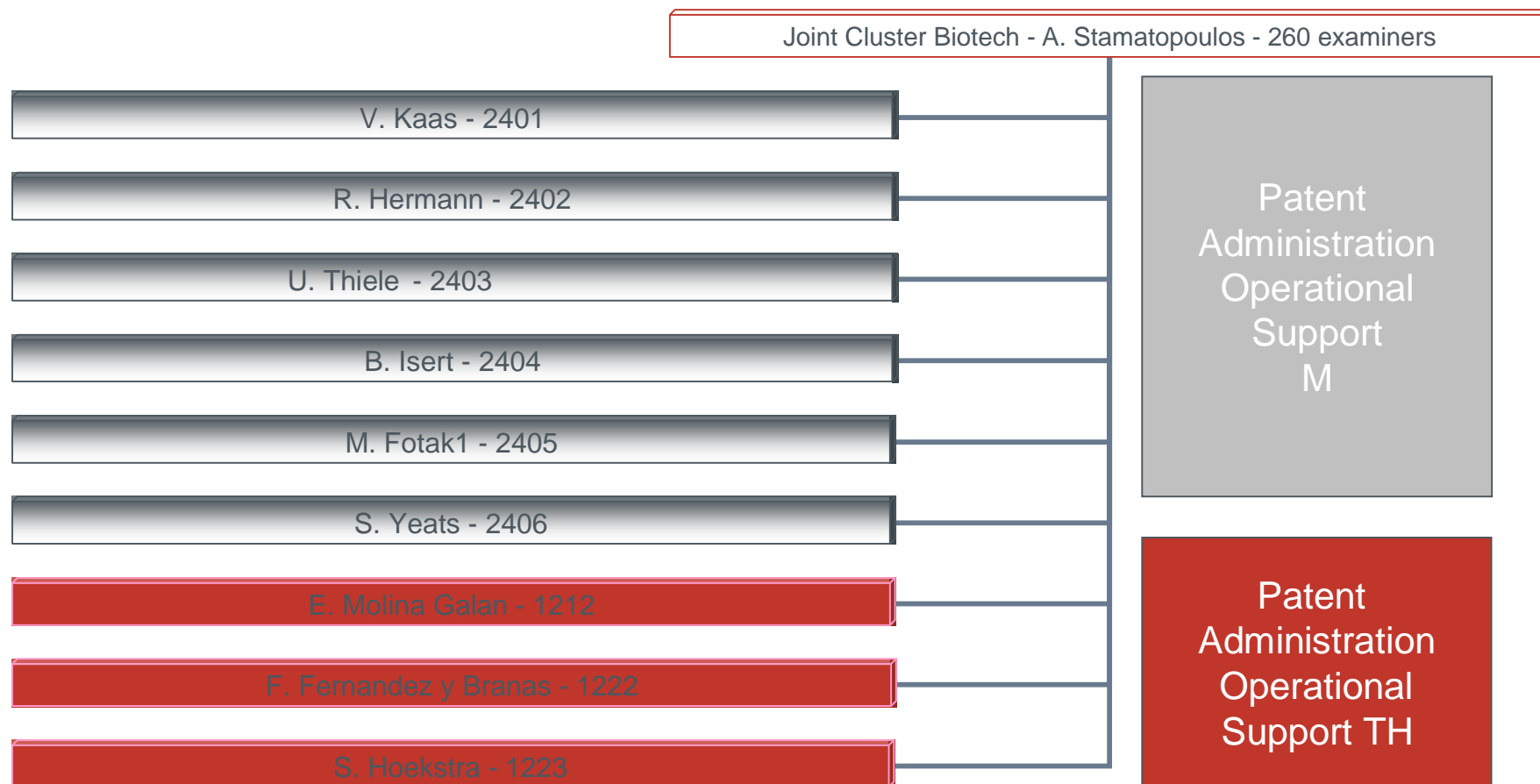


Structure of the European Patent Office



Status: July 2009

Structure of EPO - Cluster Biotech



Number of staff and locations

Munich	3 629
The Hague	2 659
Berlin	276
Vienna	117
Brussels	4
Total	6 685



**Around 60% (3990) are
patent examiners**

Headquarters are in Munich

Staff from 32 different countries

	Country	Number of staff
AT	Austria	237
BE	Belgium	357
BG	Bulgaria	30
CH	Switzerland	69
CY	Cyprus	8
CZ	Czech Republic	20
DE	Germany	1 807
DK	Denmark	74
EE	Estonia	6
ES	Spain	426
FI	Finland	48
FR	France	1 190
GB	United Kingdom	514
GR	Greece	160
HR	Croatia	2
HU	Hungary	25
IE	Ireland	82

	Country	Number of staff
IS	Iceland	1
IT	Italy	497
LI	Liechtenstein	1
LT	Lithuania	4
LU	Luxembourg	73
LV	Latvia	4
MT	Malta	2
NL	Netherlands	618
PL	Poland	56
PT	Portugal	85
RO	Romania	107
SE	Sweden	124
SI	Slovenia	14
SK	Slovakia	15
TR	Turkey	26
	Others	3
	Total	6 685

Status: December 2008

Munich



- § Patent grant procedure
- § Appeals
- § Quality management
- § Administration
- § Legal services
- § International affairs

The Hague



- § Patent grant procedure
- § Information management
- § Administration
- § Legal services

Berlin



§ Patent grant procedure
§ Administration

Vienna



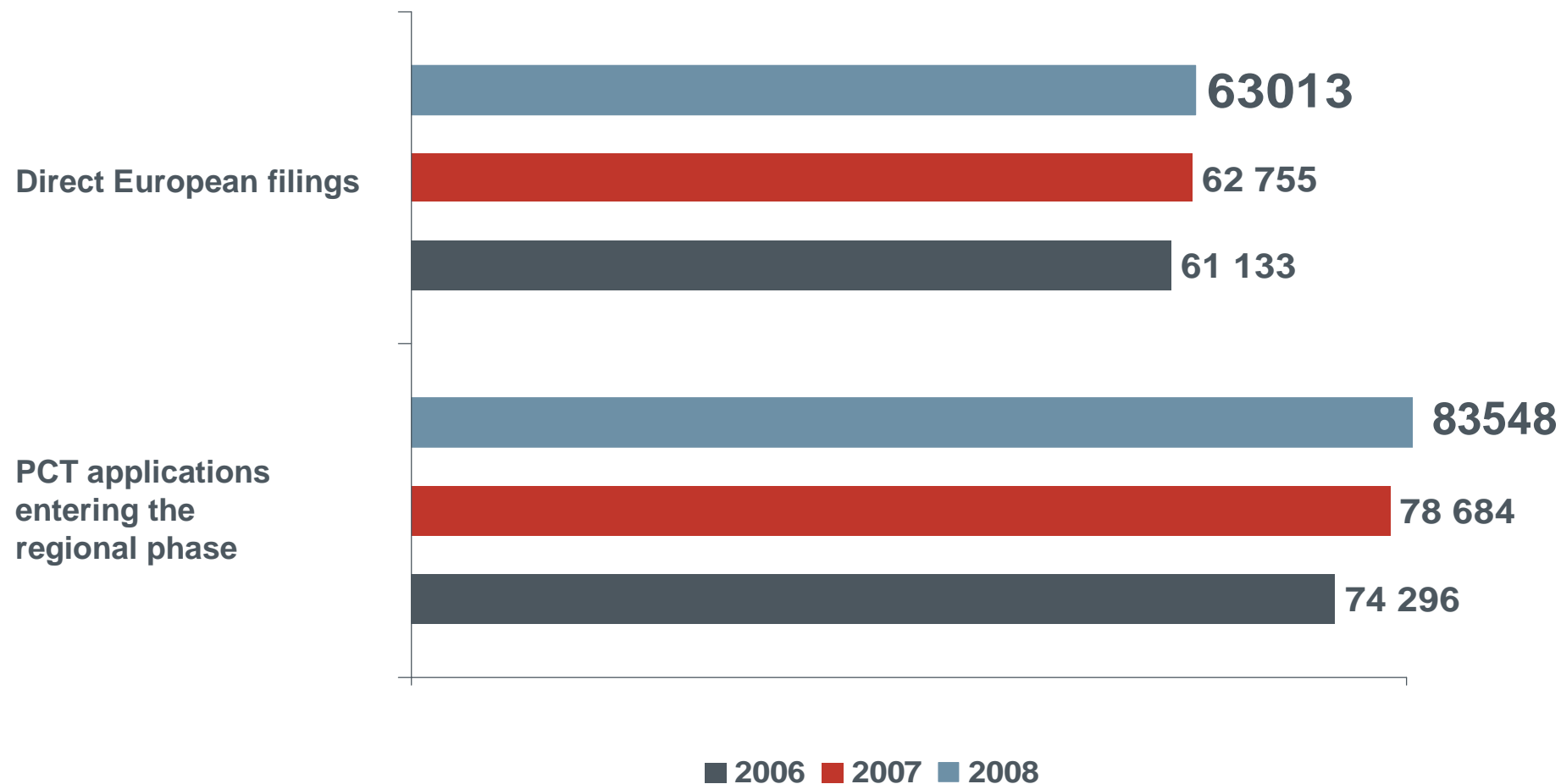
- § Patent information
- § Administration
- § European affairs

Brussels

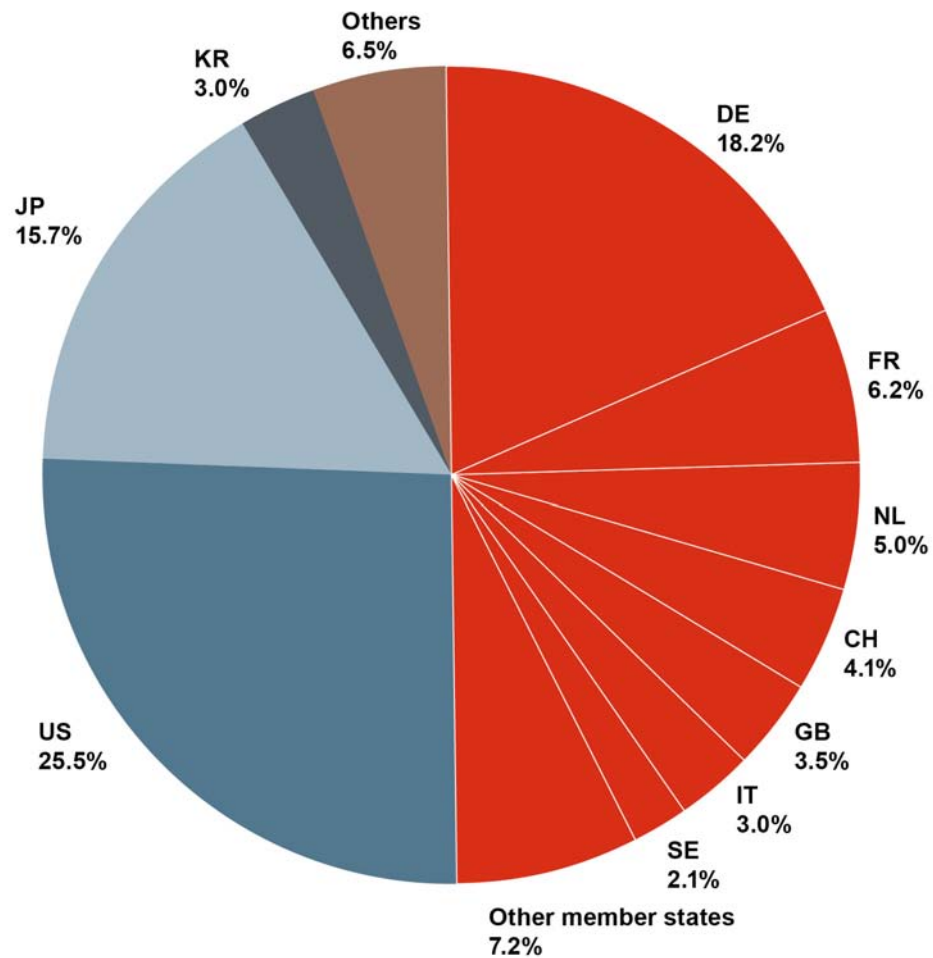


§ Relations with the European institutions and other organisations/associations

Applications filed EPO-wide

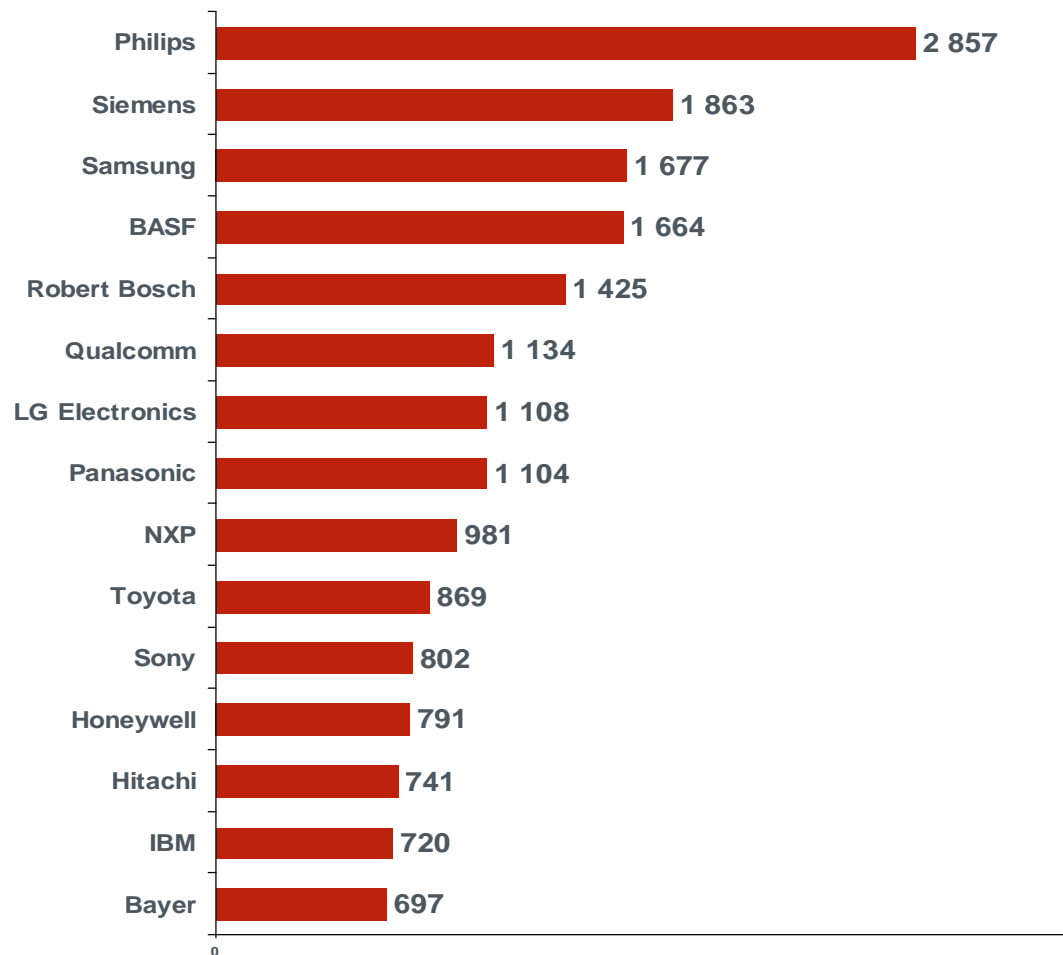


Applications by residence of applicant (2008)

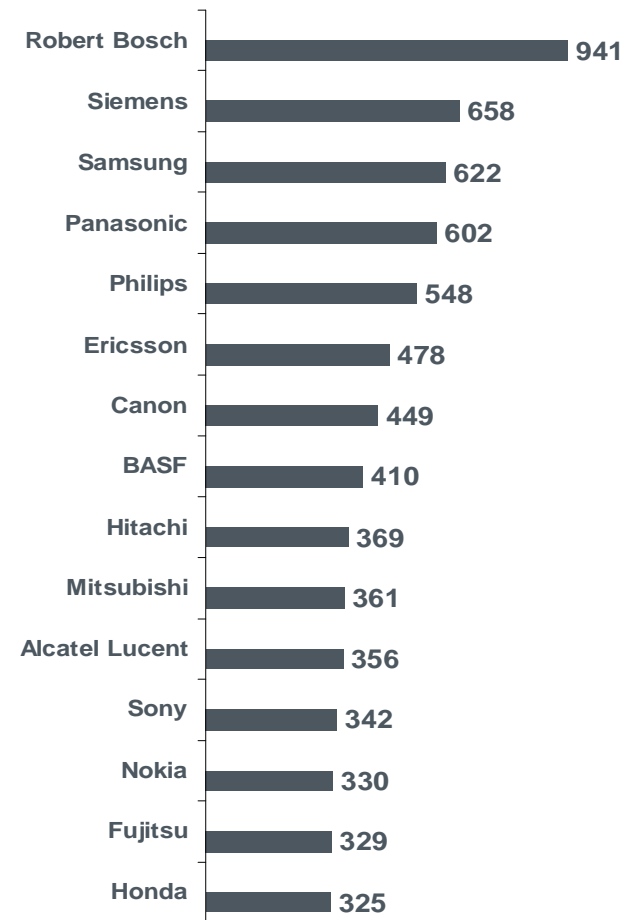


Leading applicants and patentees in 2008

Applications



Granted European patents



JC Biotechnology: capacity and workload

§ 260 examiners (1/3 TH, 2/3 MU)

§ Incoming searches: 9000/year

§ Request for examination: 6000/year

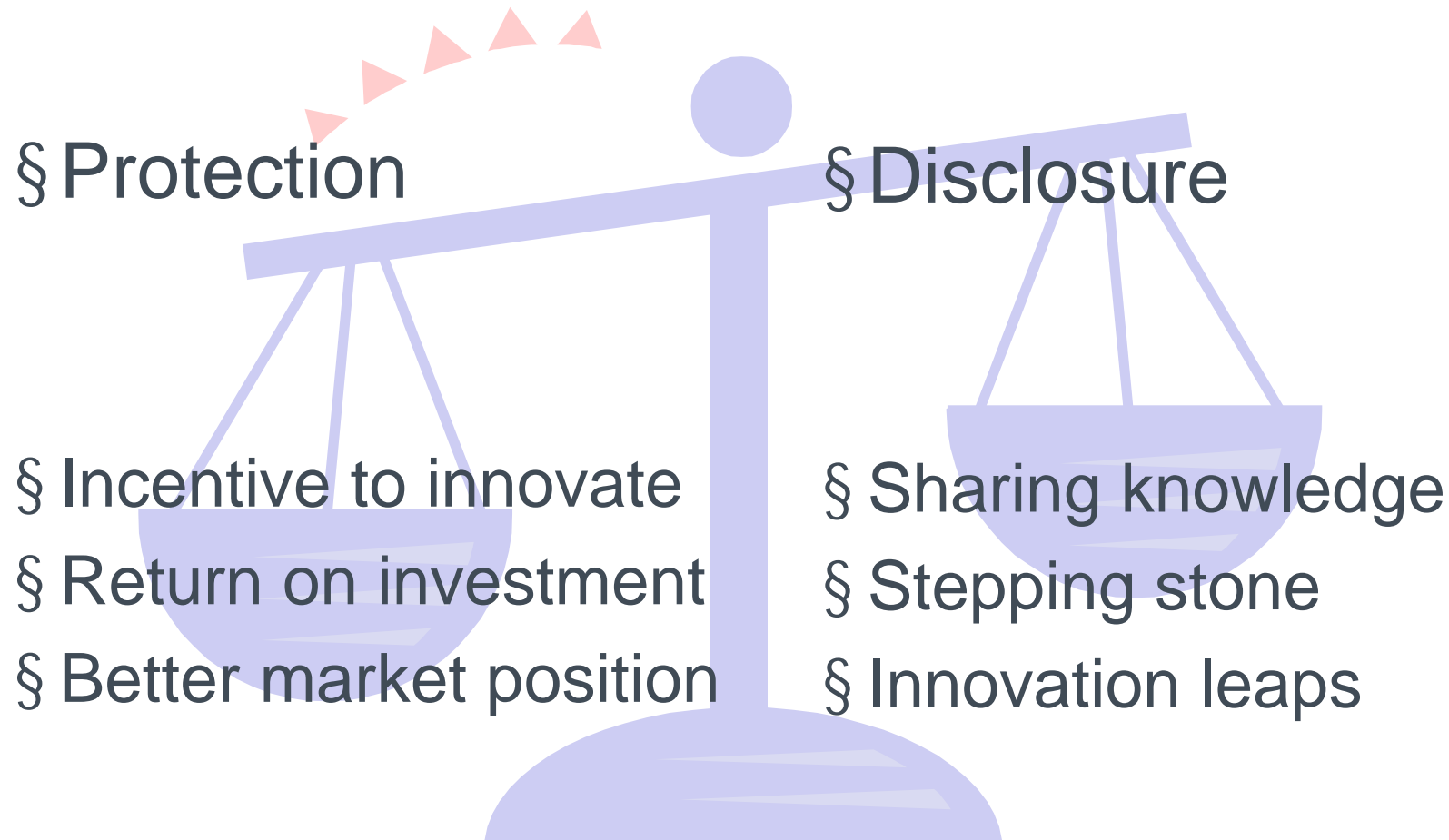
§ Oppositions filed: 170/year



The EPO & Its role in innovation



Right balance is essential!



Apply high patent standards!

EPO'S Mission statement

§ *As the Patent Office for Europe, we support **innovation, competitiveness and economic growth** across Europe through a commitment to **high quality** and **efficient services** delivered under the EPC*

Cornerstones to assure Quality and Efficiency

§ Granting with high presumption of validity

- enabling disclosures
- undisputed inventive contribution
- commensurate scope of protection

§ Timeliness of grant procedure

- dealing with increasing amounts of workload
- minimising procedural delays
- minimise legal uncertainty as early as possible

Quality at the EPO: four key ingredients



"Raising the Bar"

Goal:

§ Improving the quality of incoming patent applications and streamlining the grant proceedings.

Raising the Bar: Measures entering into force on 01.04.2010

- when deemed appropriate the search can be restricted to one independent claim per category;
- where a meaningful search is not possible, the applicant will be invited to clarify the subject-matter to be searched.
 - § Examination will be limited to searched subject matter
- a response to the search opinion will be mandatory
- amendments and their basis shall be clearly identified.
- amendments at applicants initiative are restricted
- All that with associated tight time limits and severe sanctions!

Divisionals

§ time limits for the filing of divisional applications as of April 2010

§ voluntary divisional applications: to be filed within a period of two years from the first communication by the examining division in respect of the parent application

§ mandatory divisional applications: to be filed within a period of two years from the first objection of lack of unity

Workload sharing and avoiding duplication

§ European level

– with National Patent Offices

§ **EPN** (European Patent Network)

§ **UPP** (Utilisation Pilot Project)

§ Worldwide

– **Trilateral**; USPTO, JPO, EPO

– **IP5**: As above plus SIPO and KIPO (Chinese and Korean Patent Offices)

IP5: Foundation Projects

Developing common tools among the 5 Offices to support work-sharing:

- § –Common documentation database
- § –Common hybrid classification
- § –Sharing and documenting search strategies
- § –Common search and examination support tools
- § –Common access to search and examination results
- § –Common training policy
- § –Mutual machine translation
- § –Common application format

Further collaboration initiatives

§ Triway

§ PPH (Patent Prosecution Highway)
– bilateral agreements

And of course:

§ PCT (Patent Cooperation Treaty)
– preferred option with a developed and well
known infrastructure and procedures.

Community Patent

§ Imminent introduction or permanent Utopia?

- Waiting 30 years on the shelves

- Why?

 - § Language regime

 - § Common European Litigation System

- 2009; new attempts to clear the path!

Need more information?



§ Relating to EP or PCT patent
granting procedure:

EPO Information Office Munich
infomunich@epo.org
Tel +49-89-23994512

EPO Customer Services
info@epo.org
Tel +49-89-2399INFO (2399 -
4636)