



Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

The European Patent Office

An introduction to the Office, its organisational structure and the European patent system



The European Patent Office

What is a patent?

The European patent

Mission

The mission of the European Patent Office – the patent granting authority for Europe – is to support innovation, competitiveness and economic growth for the benefit of the citizens of Europe.

The European Patent Office

European Patent Organisation

Member states

Organisational structure

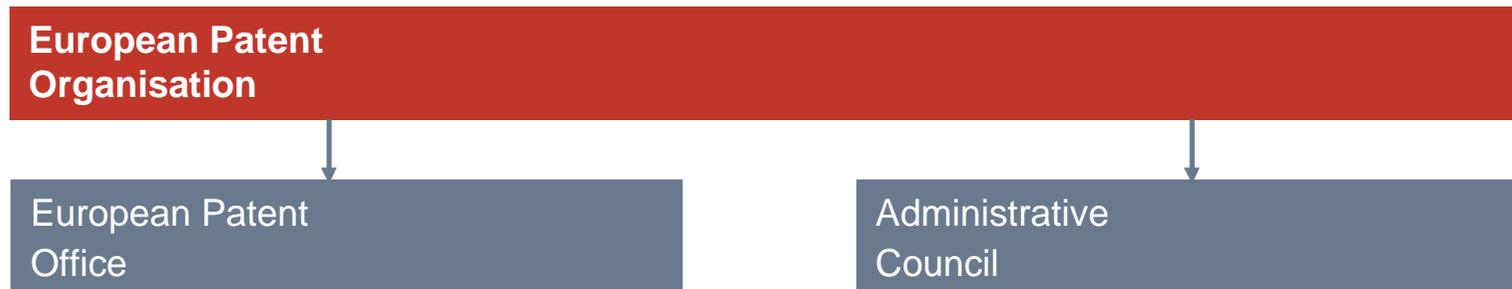
Directorates-General

Locations

Staff

Finances

The European Patent Organisation



The executive body

The Office's task is to grant European patents.

The legislative body

Important functions:

- to adopt the budget
- to approve the President's actions in implementing the budget
- to amend the Implementing Regulations and Rules relating to Fees

The Administrative Council consists of delegates from the member states.

Member states



Member states of the European Patent Organisation

AT Austria, BE Belgium, BG Bulgaria, CH Switzerland, CY Cyprus, CZ Czech Republic, DE Germany, DK Denmark, EE Estonia, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, HU Hungary, IE Ireland, IS Iceland, IT Italy, LI Liechtenstein, LT Lithuania, LU Luxembourg, LV Latvia, MC Monaco, NL Netherlands, PL Poland, PT Portugal, RO Romania, SE Sweden, SI Slovenia, SK Slovakia, TR Turkey



States entitled to join the European Patent Convention (EPC)

NO Norway



States which have been invited to join the EPC

HR Croatia, MK Former Yugoslav Republic of Macedonia, MT Malta



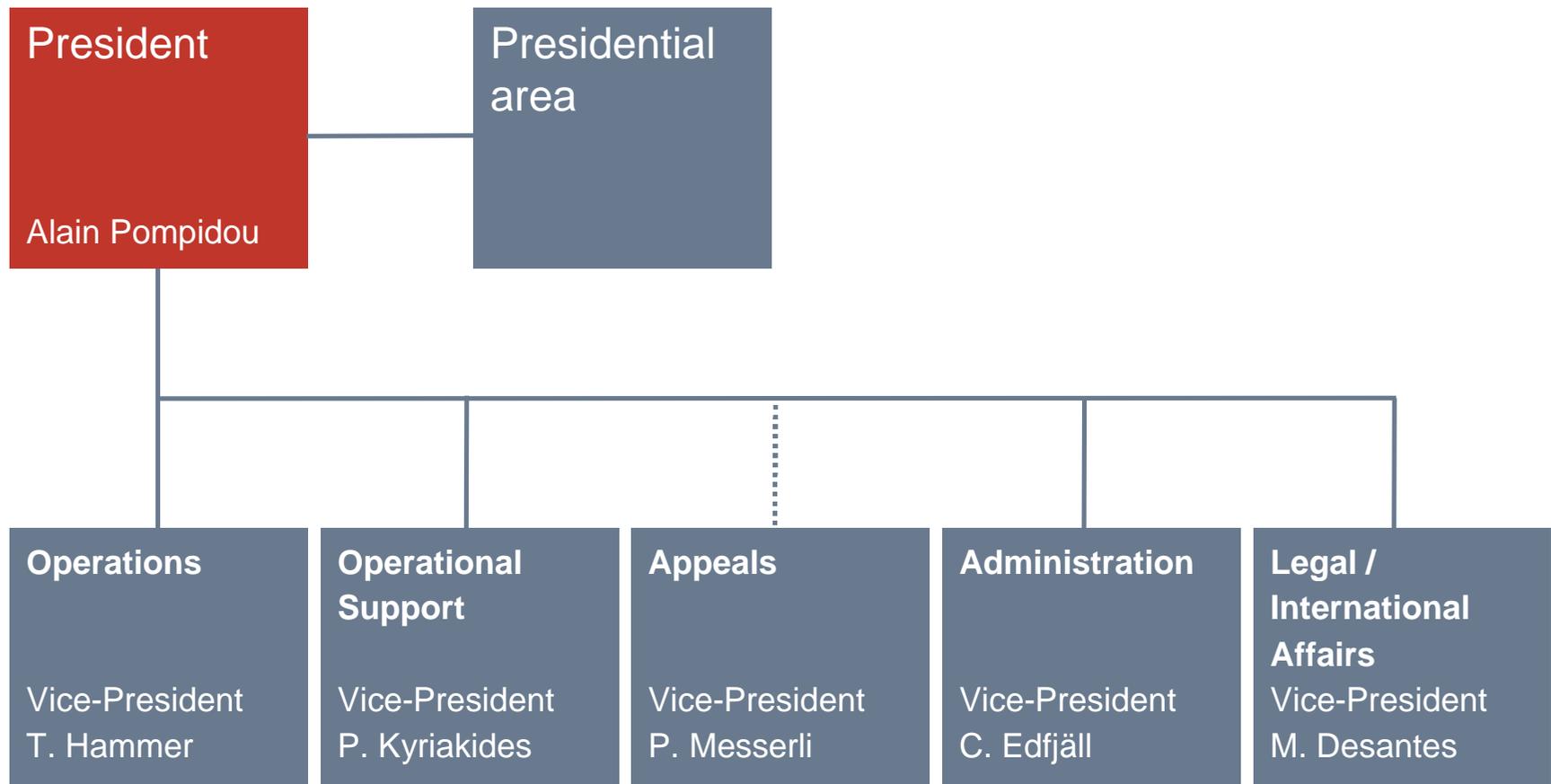
States recognising European patents ("EXTensionstates")

AL Albania, BA Bosnia-Herzegovina, HR Croatia, MK Former Yugoslav Republic of Macedonia, RS Serbia



(05.2006)

Organisational structure of the European Patent Office



Directorate-General 1 Operations

Main activities

- Prior art search
- Substantive examination
- Opposition

Directorate-General 2

Operational Support

Main activities

- Quality
 - Learning & development
 - Quality management support
 - Practice & procedure
- Patent administration
 - Receipt of applications (Receiving Section)
 - Support staff units
 - Grant publication
 - Technical change management
- Tools/documentation
- Information systems

Directorate-General 3

Appeals

Main activities

The Legal Board of Appeal and the Technical Boards of Appeal give independent final rulings on appeals against decisions taken during grant and opposition proceedings.

The Enlarged Board of Appeal gives decisions and opinions in order to ensure correct application of the law, or if an important point of law arises.

Directorate-General 4 Administration

Main activities

- Finance
- Personnel
- General administration
- Patent information
- Language service

Directorate-General 5

Legal and International Affairs

Main activities

- European and international relations
- Patent law
- Patent administration
- Legal services
- International legal affairs/Patent Cooperation Treaty (PCT)
- European Patent Academy

Locations



Headquarters Munich
Isar building



Munich
PschorrHöfe



The Hague



Vienna



Berlin



Brussels
Bureau

Staff 2005

Munich	3 301
The Hague	2 423
Berlin	277
Vienna	117
Total	6 118

Financial independence

The EPO is wholly self-financing.

Operating and capital expenditure is financed by the procedural fees and a proportion of the renewal fees for granted European patents.

The pension scheme for EPO staff and the European School Munich are also financed from this income.

Operating result 2005

Operating result (in EUR millions)	Balance sheet (in EUR millions)
Total 1 213.4	Total 3 623.1

What is a patent?

Definition of a patent

Patentability criteria

Benefits of patents

Definition of a patent

A patent gives its owner the right to prevent others from commercially using his invention.

However, it does not give its owner the right to make use of his invention.

Patentability criteria

To be patentable, an invention must have technical character and contribute to the state of the art.

It may be a product, a product use, a process or an apparatus, for example.

Three main criteria for patentability:

- novelty
- inventive step
- industrial application

Benefits of patents

Patents help to

- advance technology from its current state
- avoid waste of human and financial resources
- avoid duplication of research in industry and universities

Benefits of patents

Patents help to

- promote creativity and innovation
- identify innovative strengths and technological trends, global and regional
- identify the lack of advancement in a technology and make improvements

Benefits of patents

Patents help to

- retain your market position
- increase your market share
- launch new products and processes
- locate new business partners
- provide recognition and motivation for employees
- bring together inventors and investors
- recover R&D investments and safeguard the results

The European patent

Advantages

Grant procedure

Cost

Key figures

What advantages does a European patent have?

Unitary protection standards in the contracting states

- One application, one language
- “A la carte” market by designation of countries

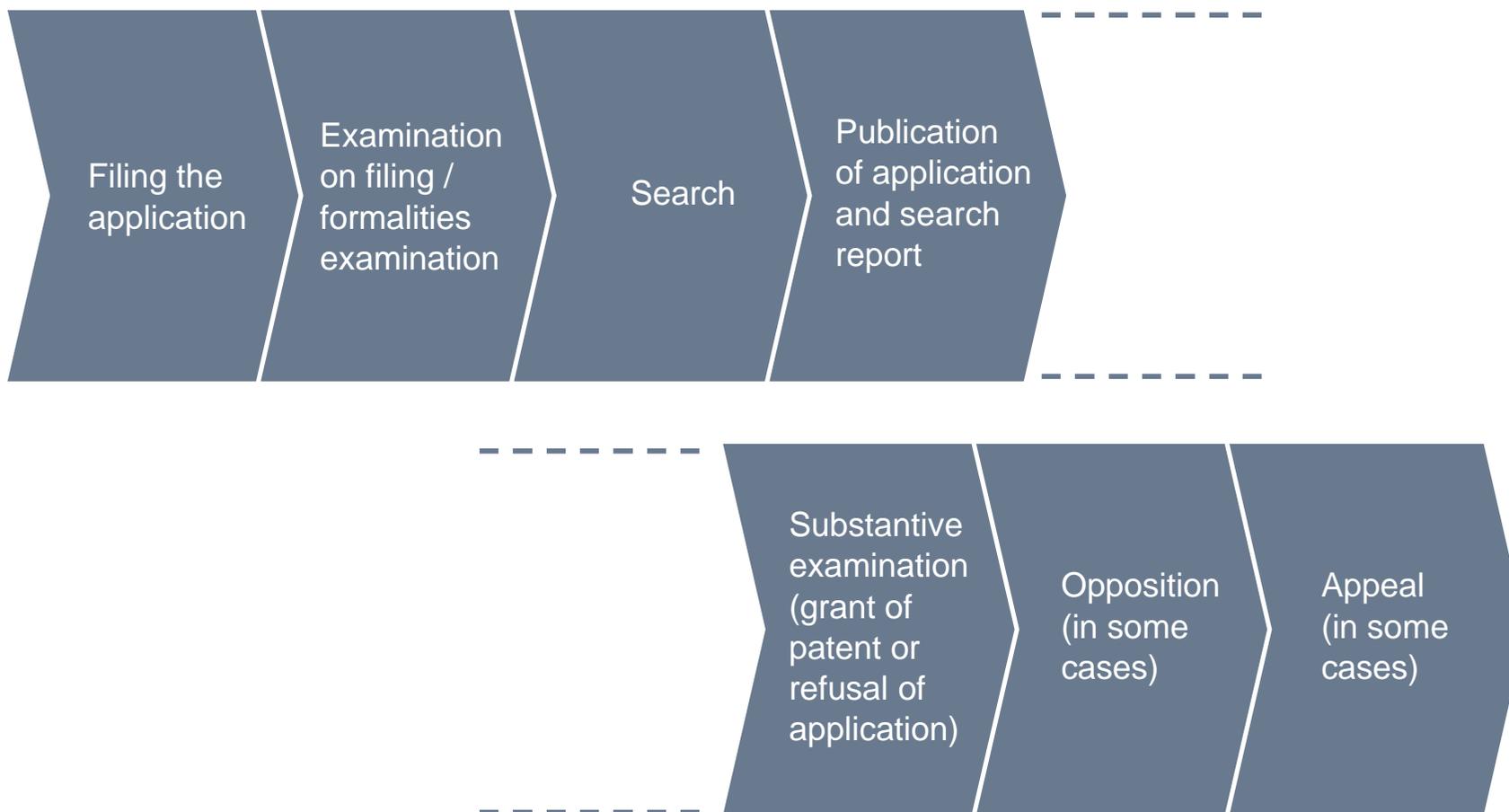
Cost effective

- Costs less than three separate national patents

Strong

- Thorough search – 56 million documents
- Substantive examination = sound legal protection

The European patent grant procedure

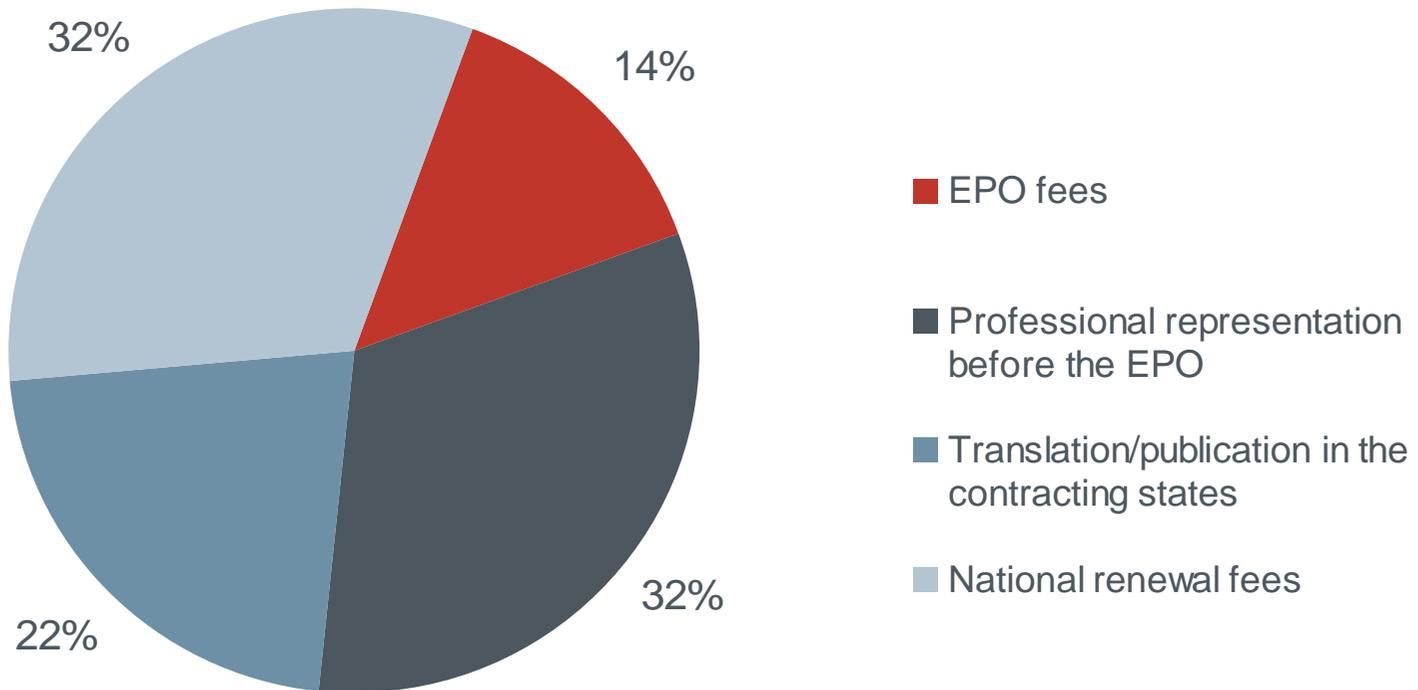


Cost of a sample European patent ¹⁾

EPO fees Percentage of total	EUR 4 600 14%
Professional representation before the EPO Percentage of total	EUR 10 000 32%
Translation/publication in the contracting states Percentage of total	EUR 7 000 22%
National renewal fees Percentage of total	EUR 10 000 32%
Total cost	EUR 31 600

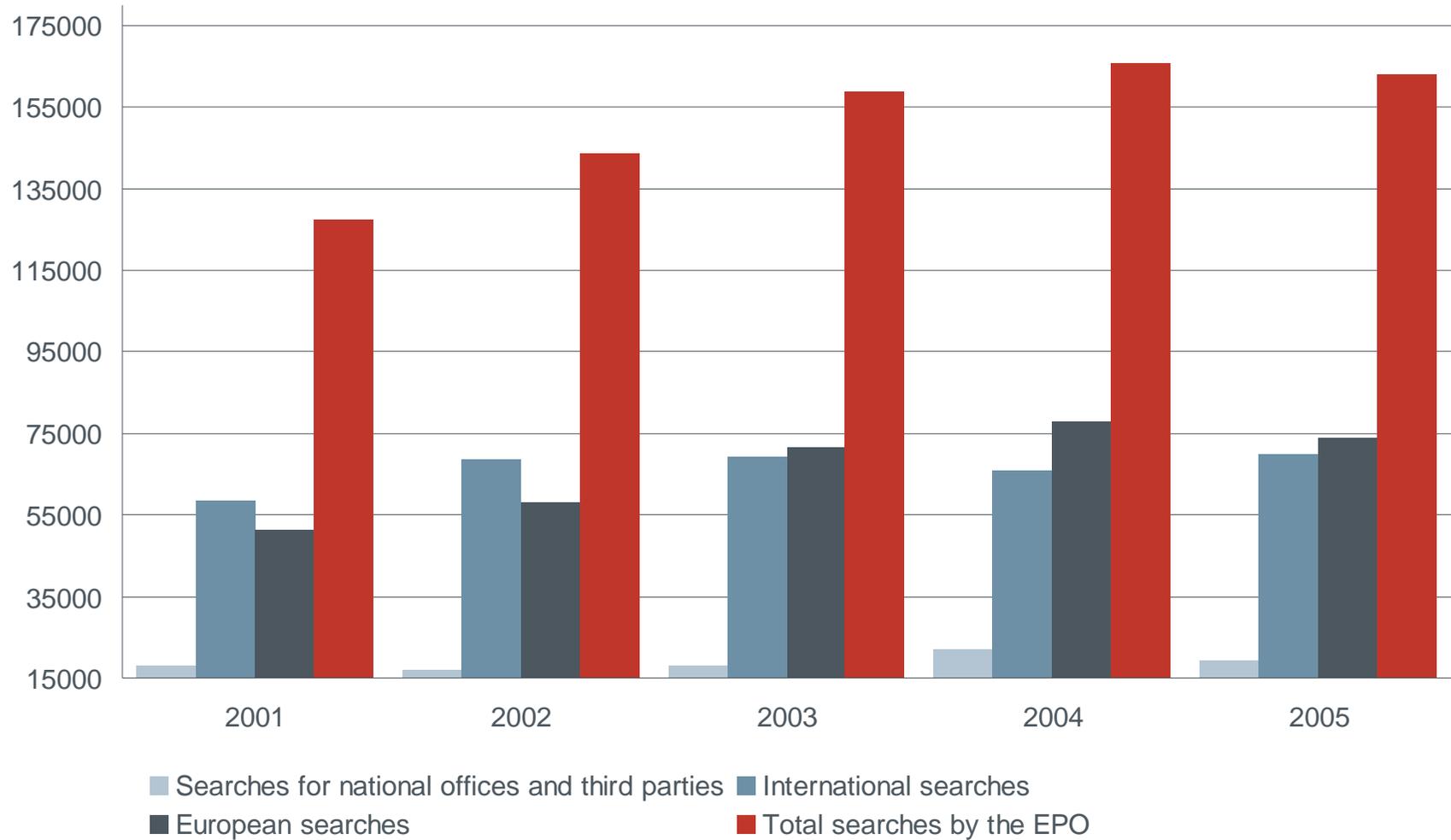
¹⁾ Six states, ten-year term

Cost breakdown of a sample European patent ¹⁾

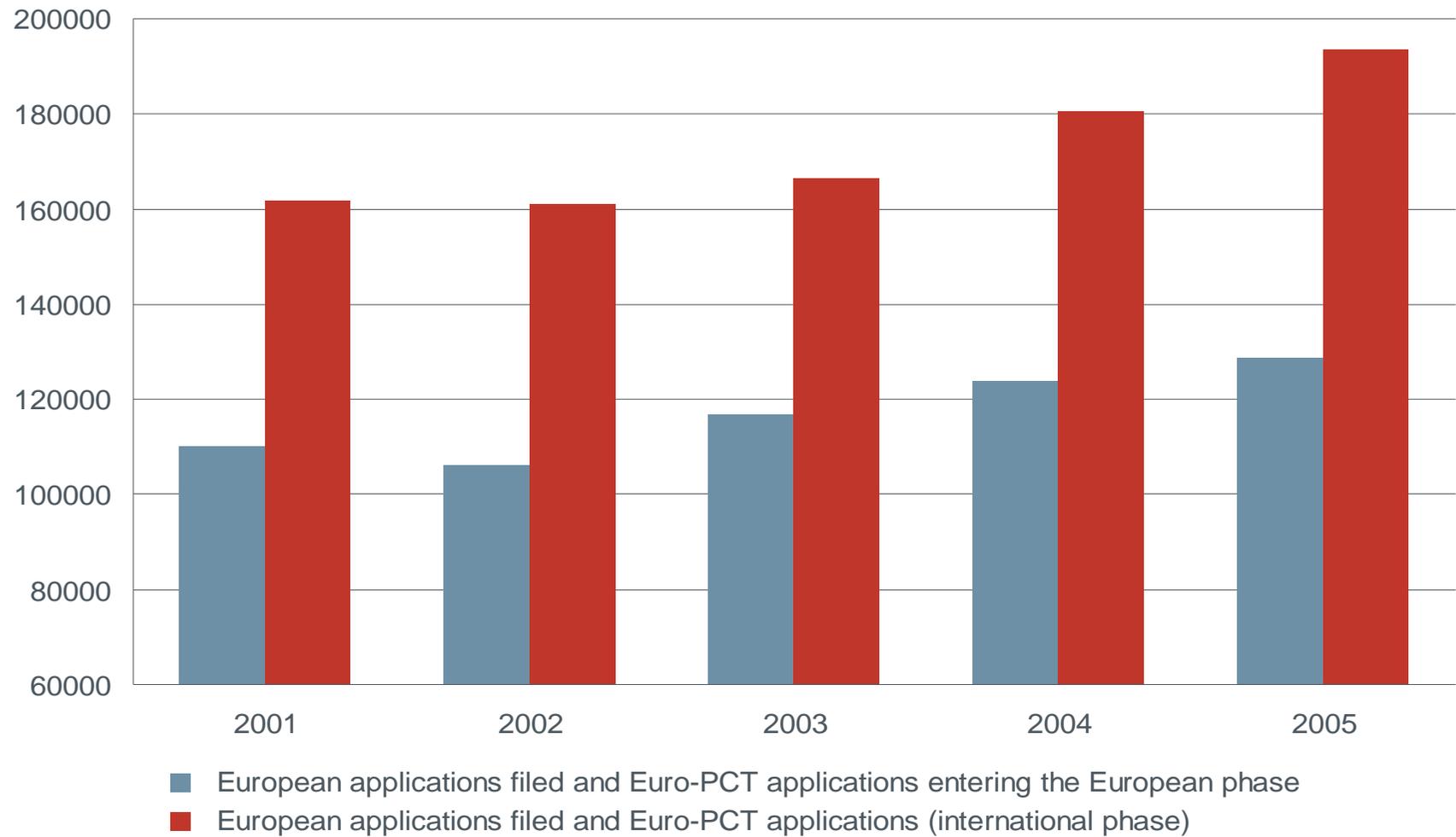


¹⁾ Six states, ten-year term

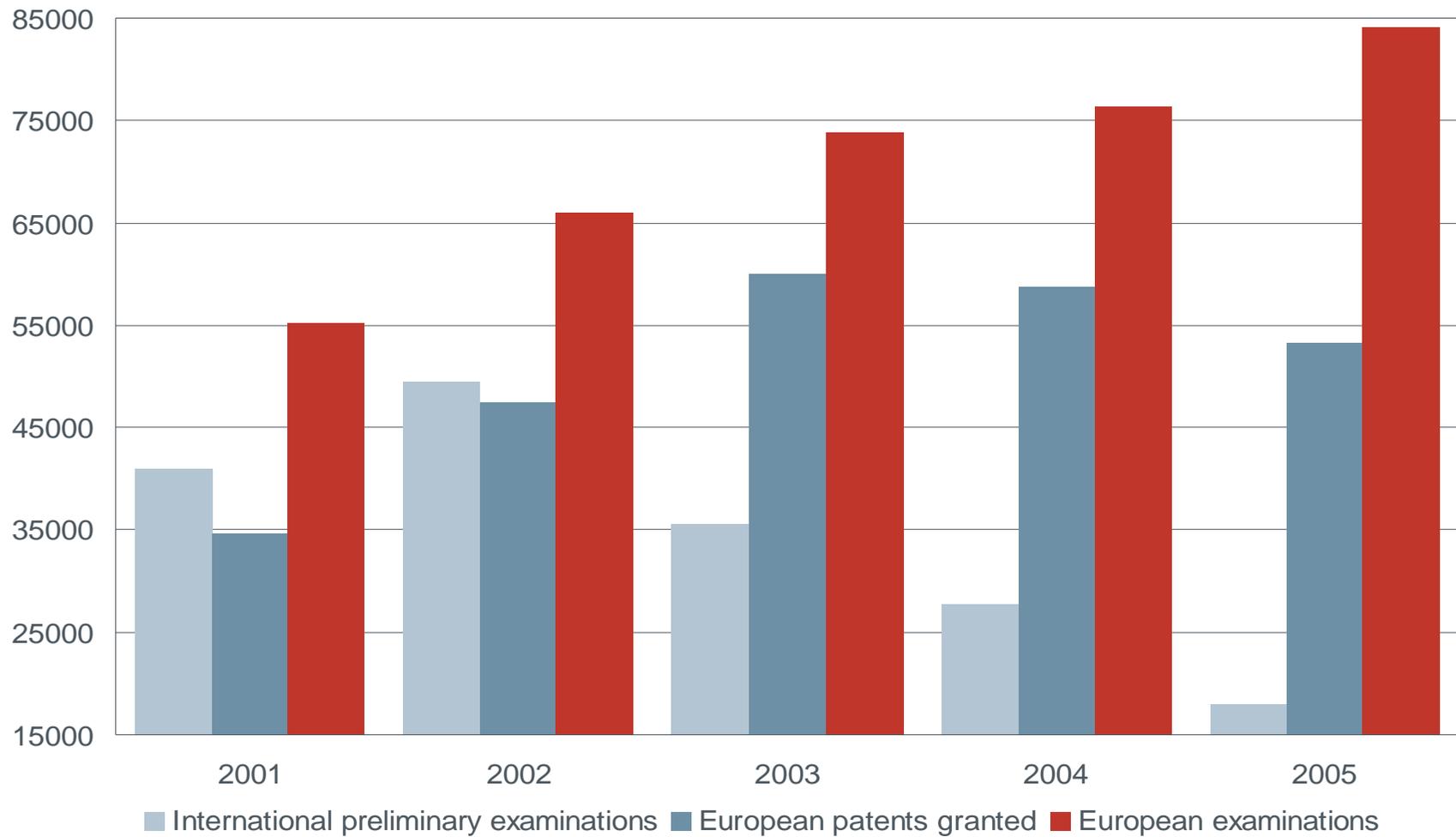
Search



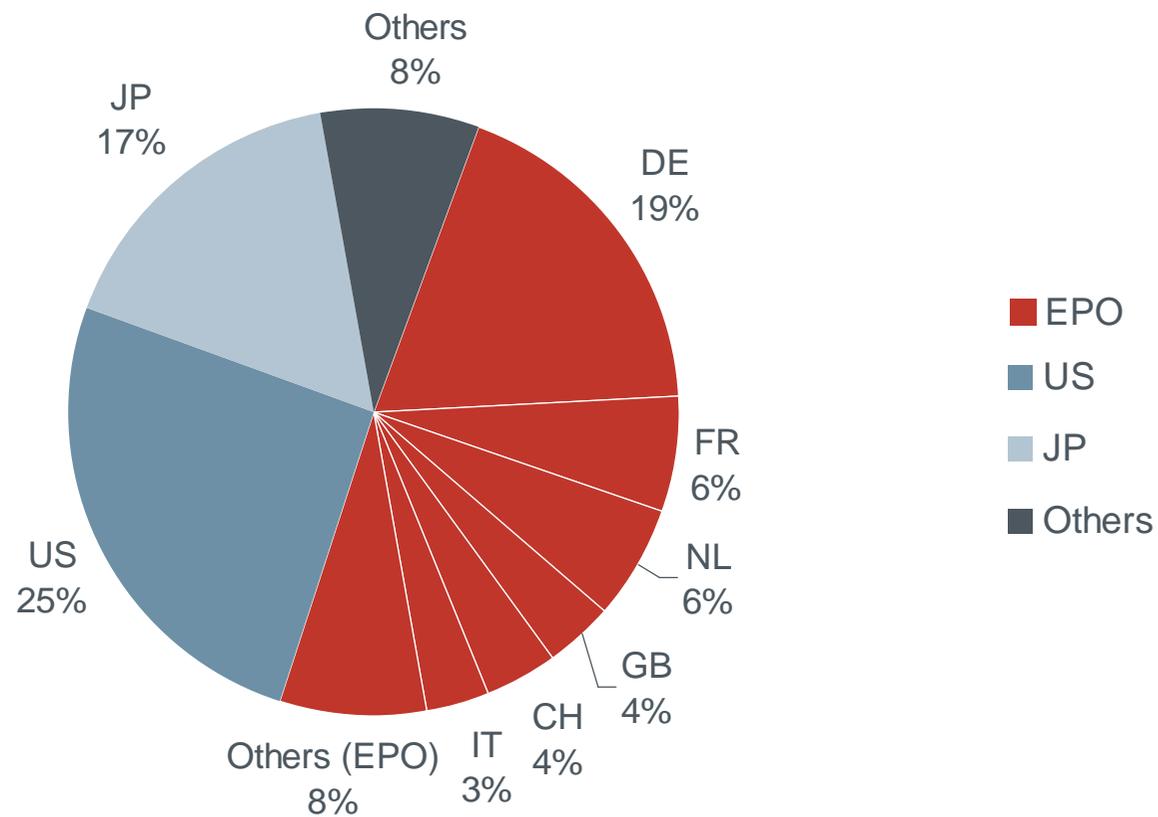
Applications



Examinations completed



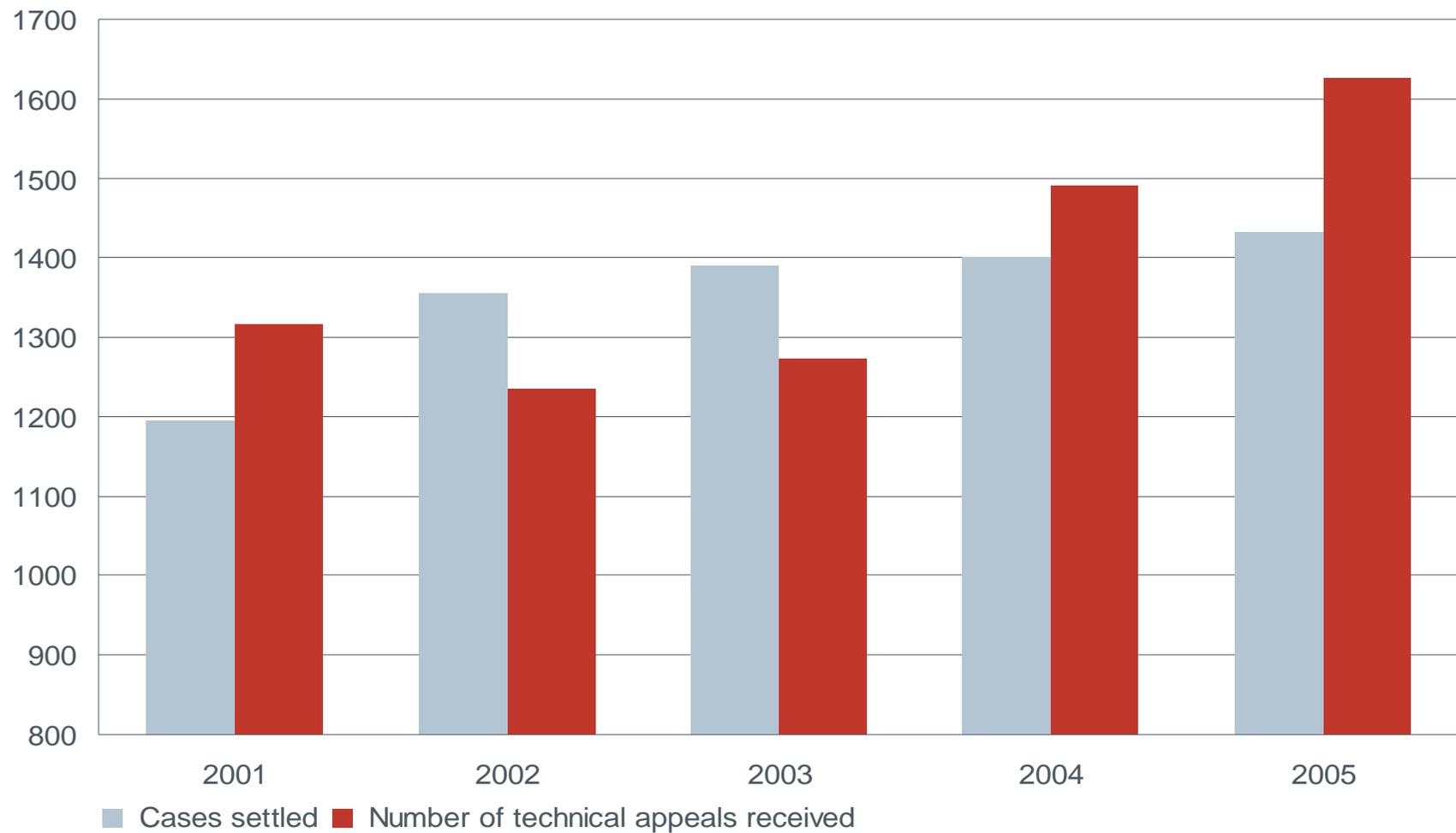
Breakdown of applications by residence of applicants 2005



Oppositions 2005

Patents opposed	2 960
Decisions in opposition cases	2 331
Patents revoked	37.7%
Oppositions rejected	30.1%
Patents maintained in amended form	32.1%

Technical appeals: cases received and settled



Thank you for your attention

www.epo.org

