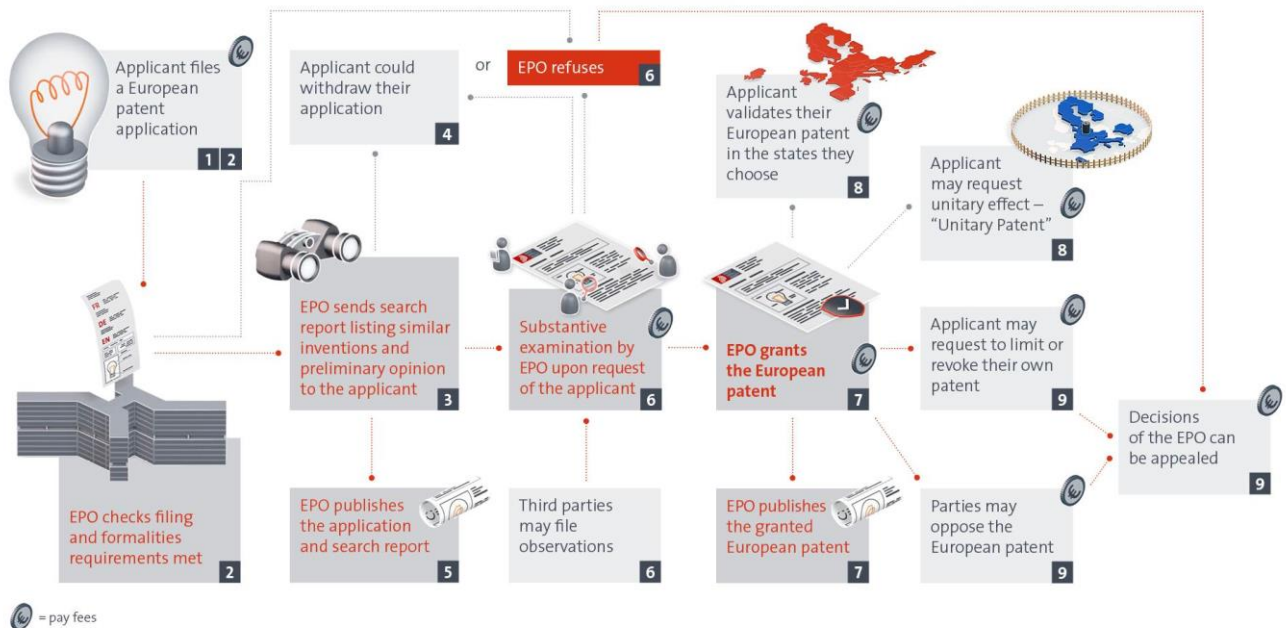




Guide: European Patent Application in 9 Steps¹

This guide provides you with a clear overview of the process of a European patent application, covering the steps from submission to grant.

Overview of the European patent application process



1. Prepare Your Patent Application

- A patent application is a detailed description of your invention that allows others to understand and replicate it.
- Components of a European patent application:
 - **Application form** (Form 1001)
 - Description of the invention
 - **Patent claims:** Define the scope of protection for your invention.
 - Drawings (if required)
 - Abstract
- The application must be clearly written and distinguishable from prior inventions.
- You can submit the application in any language, but you must provide a translation into German, English, or French if your language is not an official language of the EPO.

¹ Source: European Patent Office; <https://www.epo.org/en/new-to-patents/how-to-apply-for-a-patent>



2. Submitting the Application

- Submission options:
 - Online via the European Patent Office (EPO) services (recommended, as fees are reduced).
 - By mail in paper form or in person.
- The following are at least required for the filing date:
 - Indication that a European patent is being applied for (Form 1001).
 - Information about the applicant's identity.
 - Description of the invention or reference to a previous application.
- You can also submit the application to a national authority, which will forward it to the EPO.

3. Preparation of the Search Report

- A patent examiner analyzes your application and prepares a search report within a few months.
- This report includes:
 - References to relevant documents.
 - An initial assessment of whether the invention is patentable.
- The report will be sent to you and serves as the basis for deciding whether to continue with your application.

4. Decision on Further Action

- After receiving the search report, you can:
 - Withdraw your application if the chances of success are low.
 - Continue the procedure and pay the examination fee.
- If you proceed, the application will be published.

5. Publication

- European patent applications are published 18 months after the filing date or the earliest priority date.
- The publication includes:
 - Description, patent claims, drawings, and abstract.
 - Notice in the European Patent Bulletin.
- This makes your invention visible to third parties, and the status "Patent pending" is publicly announced.



6. Examination

- After the request for examination, the application will be reviewed by EPO examiners for patentability.
- The examination includes:
 - Correspondence between you and the EPO to resolve objections.
 - An oral hearing, if necessary.
- The duration of the examination varies between one and three years, depending on the complexity.

7. Grant

- If the examiners deem the invention patentable:
 - Payment of the grant and publication fees.
 - Translation of the patent claims into the other official languages.
- The grant will be published in the European Patent Bulletin.
- From this point, you can enforce the patent against infringements.

8. Validation

- After the grant, the patent must be validated in the designated contracting states for it to be legally effective there.
- This requires:
 - Translations into the respective national language(s) (depending on the country).
 - Payment of validation fees.
- Alternatively, you can choose a unitary patent, which provides protection in 18 EU member states.

9. After Grant

- **Opposition:** Within nine months, third parties can challenge the validity of your patent.
- **Appeal:** You can file an appeal against decisions made by the EPO.
- **Limitation or Revocation:** Upon request, you can amend or withdraw your patent after it has been granted.



Further Information

- **Duration:**
 - The entire process from filing to grant usually takes 2 to 5 years.
 - A search report is typically prepared within six months.
 - Expedited procedures are available.
- **Costs:**
 - Minimum costs for filing and search fees: approximately 1,600 EUR.
 - Total costs up to grant: at least 6,475 EUR.
 - Additional costs (e.g., translations, national validations) depend on the designated states.
- **Representation:**
 - It is recommended to hire a qualified patent attorney, especially for complex procedures.
 - Applicants from outside the EPC contracting states must be represented by a representative.