Notes on the request for registration in the European Patent Register of the transfer of one or more European patent applications/patents (Rules 22 and 85 EPC) – form EPO 5050

There is no obligation to use form EPO 5050 and it does not guarantee registration in the European Patent Register. It is intended as an aid for the error-free filing of requests.

The EPO will record a transfer of rights in respect of a pending European patent application/patent in the European Patent Register on request, upon fulfilment of the requirements of Rule 22 EPC. These requirements are: filing a duly signed request, paying the corresponding fees and providing the required evidence (Guidelines, E-XIV, 3).

The request must relate to applications or patents for which the EPO is competent to register changes in the European Patent Register. For pending European patent applications/patents, entries are made up to the expiry of the period of opposition or the termination of opposition proceedings (Guidelines A-XI, 4). After that, registration of changes is a matter for the national offices of the designated contracting states.

Processing requests concerning international applications

Requests under Rule 92bis PCT concerning applications pending in the international phase should be filed with the International Bureau of WIPO ("IB"). If such a request concerns more than one application, the IB usually requires the filing of a list of all applications concerned (for further information, please consult the IB).

Requests to record a change under Rule 92bis PCT should be filed with the IB, preferably via the online portal for filing and managing PCT applications (ePCT), by selecting the action "Rule 92bis change request".

The recording of changes under Rule 92bis PCT takes effect only if received by the IB before the expiry of 30 months from the priority date. If, after that, i.e. when the IB is no longer competent to record a change, a requester sends the EPO a request to change its address or that of its agent, or to change the agent, the EPO will apply the requested change when communicating with the applicant/agent until the entry into the European phase at 31 months. The EPO will process such requests only if they do not require the submission of evidence or are not deficient in any way. In particular, in the case of bulk requests, a list of the application numbers concerned is always required.

1. Request

Please tick the relevant box. Tick the second box where the application/patent has been transferred several times e.g. in a chain of transfers from A>B>C>D and only the last applicant/proprietor is to be entered in the European Patent Register. In this case each transfer must be proved, but only one administration fee is due.

On the other hand, if each transfer is to be recorded in such a way as to allow all successive applicants/proprietors to appear in the history of the European Patent Register, a separate form must be completed for each transfer to be recorded and an administration fee paid for each one.

2. Applications/patents concerned

Always indicate the European patent application number as follows: eight digits and a check digit.

Tick the second box if the request relates to more than one application/patent, and attach an annex listing each European patent application number concerned. File the request in relation to the first application number only ("leading application").

To facilitate processing, you are invited, after having filed the request, to send a list of all the application numbers concerned as an Excel file (XLS or XLSX) by email to support@epo.org. The subject line should contain the term "bulk request" and mention the number of the leading application in which the bulk request was filed. The subject could be worded as follows: "Bulk request filed in application xx xxx xxx.x".

3. Assignor

Enter here the name and address of the assignor as registered in the European Patent Register. If several co-applicants/co-proprietors have assigned their rights, use an additional sheet. The name and address of the assignors must be the same as those recorded in the Register.
4. **Assignee**

The family name should come before given names. Legal persons or bodies equivalent to legal persons must be identified by their exact official name. If several co-applicants/co-propriets have assigned their rights, use an additional sheet.

The names and addresses of the assignees must be the same as those indicated in the document proving the transfer.

If more than one applicant/proprietor is mentioned in the European Patent Register or if the registration of transfer being requested concerns more than one assignee, the provisions of Rule 151(1) EPC apply.

**An address for correspondence** may be given only by applicants/proprietors who are not obliged to appoint a professional representative authorised to act before the EPO (Art. 133 EPC) and have not appointed one. It must be the applicant's/proprietor's own address, and located in an EPC contracting state (see OJ EPO 2014, A99). The address will not appear in the European Patent Register or in other EPO publications (OJ EPO 1980, 397) (Guidelines A-III, 4.2.1).

5. **Extent of the transfer**

To facilitate processing, it is recommended that you tick the relevant boxes although not doing so does not constitute a deficiency provided that the evidence submitted is explicit and unambiguous (Art. 71 EPC and Guidelines E-XIV, 3).

6. **Payment of the fee**

The request for registration is not deemed to have been filed until an administrative fee has been paid (Rule 22(2) EPC). In the case of a chain of transfers, e.g. from applicant A > B > C > D and if only the transfer from applicant A > D is to be registered, only one fee is due. However, if each transfer is to be registered separately, the fee is due for each transfer and for each application/patent.

The fee can be paid by bank transfer, by credit card or by debiting a deposit account held with the EPO.

If you wish to pay the fee for the registration of a transfer (fee code 022) via the EPO's online services (Online Filing or new online filing (CMS)), the debit order must be filed in an electronically processable format in respect of each individual application number. The only recognised way to make payments for multiple applications is to use the batch payment functionality in the Online Fee Payment tool. If fees for multiple applications are paid under a single application using Online Filing or new online filing (CMS), i.e. by amending the amount, the EPO will refund the fees paid for all but the first application; this may result in a later effective date of the transfer for all other applications concerned. Further information on how to make batch payments can be found in the EPO Online Multipay Tool User Guide and the Quick Reference Guide for Online Fee Payment at https://www.epo.org/applying/online-services/fee-payment/documentation.html.

Note that an automatic debit order ceases to be effective **on explicit revocation only**, also in the case of transfer of rights and/or withdrawal of representation (point 10.2 of the Arrangements for the automatic debiting procedure (AAD)).

To file or revoke an automatic debit order, observe the requirements laid down in points 1.2 and 10.1 AAD, i.e. file the request in an electronically processable format (XML) via the EPO's online services.

7. **Evidence**

Point 7 lists the most frequently filed documents in support of a transfer. This list is not exhaustive and is merely an aid for the error-free filing of requests; not ticking a box does not constitute a deficiency provided that convincing evidence is filed with the request.

Any kind of written evidence suitable for proving the transfer is admissible, e.g. the instrument of transfer itself, i.e. the contract signed by the assignor and the assignee, or other official documents or extracts thereof (the original or a copy thereof), provided they clearly verify the transfer. A document that mentions the transfer but does not actually verify it is insufficient proof (Guidelines E-XIV, 3 and 4).

A declaration of the transfer of one or more European patent applications/patents (form EPO 5055) is sufficient as proof of a transfer, provided that it is duly signed by both parties, i.e. the assignors and the assignees.

The evidence must be filed together with the request and contain the following information:

- names and addresses of the registered applicants/proprietors,
- names and addresses of the new applicants/proprietors,
- EP or PCT application/publication number,
- signature of both the assignors and assignees (Art. 72 EPC).

The evidence may be filed in any language (Rule 3(3) EPC). However, if that language is not
an official EPO language, a translation into one of those official languages must be supplied.

8. Representative

Please tick the relevant box. If a new representative is appointed or is to be appointed pursuant to Article 133(2) EPC, you are invited to complete form EPO 5060 provided for this purpose.

9. Signature

A request to record a transfer may be signed by the applicant/proprietor or their duly authorised representative.

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 law, by the legal entity's articles of association or equivalent, or by a special mandate. In this respect national law applies. An indication must be given as to the signatory's entitlement to sign, e.g. their position within the company, if the entitlement to sign results from such a position e.g. CEO, managing director of a limited company (UK). If the signatory is entitled to sign as a result of a special authorisation, a copy (which does not need to be certified) of the authorisation must be submitted.

The EPO will in particular examine whether the signatory is empowered to enter into a legally binding contract on behalf of the legal entity, so liquidators, curators, administrators, receivers, etc., will need to submit a copy of their official deed of appointment.

As a rule, the authorisation to represent a party in proceedings before the EPO within the meaning of Rule 152 EPC, be it an individual or a general authorisation, is not as such considered to empower the representative to enter into such a contract (Guidelines E-XIV, 3).

Final remark

Please check that the request is accompanied by all the necessary documents.

If no evidence is filed or the evidence presented is found to be unsatisfactory, or fees have not been paid by valid means, the EPO will invite the requester to remedy the stated deficiencies within a given time limit.

If the request complies with the requirements of Rule 22(1) EPC, the transfer is registered with the date on which the request, the required evidence or the fee has been received by the EPO, whichever is the latest. In the case of a minor formal deficiency however (e.g. the request has been signed but the name and/or position of the person signing is/are missing), the transfer is registered with the date of receipt of the request provided the deficiency is remedied within the given time limit.

On the above date, the transfer becomes effective vis-à-vis the EPO, i.e. from that date the newly registered applicant is entitled to exercise their right to the European patent application in proceedings before the EPO (Art. 60(3) EPC). If the transfer was for certain designated states only, Art. 118 EPC applies (Guidelines E-XIV, 3).