National law relating to the EPC

Synopsis of the regulations and requirements in the Contracting States concerning European patent applications and patents 1993

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Synopsis of the regulations and requirements in the Contracting States concerning European patent applications and patents

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The centralised, fundamentally autonomous and uniform procedure for the grant of European patents, introduced by the European Patent Convention (EPC), is linked in a special way with the national patent law of the Member States of the European Patent Organisation, and at a number of stages it “interfaces” with the national legal systems – a feature essential to smooth interaction between European and national law. In each of the Contracting States for which it is granted, the European patent has the effect of and is subject to the same conditions as a national patent granted by that State, unless otherwise provided in the EPC (Article 2(2) EPC).

The salient characteristic of these interfaces is that, at the outset or in the course of the European grant procedure or after it has been completed, the patent applicant or proprietor may or must take certain steps before the patent authorities of the Contracting States in order to acquire or maintain certain rights in those States. It is therefore of primordial importance for all European applicants and proprietors to be familiar with and carefully observe such procedural steps laid down by national law and the conditions for their validity, if full advantage is to be derived from the European patent system and loss of rights is to be avoided.

This booklet is intended by the European Patent Office as a concise and reliable guide to the most important provisions and requirements of the national law of the Contracting States applicable to European patent applications and patents, for the use of European patent applicants and proprietors and all others concerned with the European patent system. It may be considered as it were a “Guide to the Euro-legislation of the Contracting States on patents” and thus supplements the guide for applicants – “How to get a European patent”.

Although we have exercised the greatest care in drawing up the tables, we cannot vouch for the absolute completeness and accuracy of the information given. If only because of their conciseness and the fact that they concentrate on the bare essentials, the tables can be no substitute for consultation of the national legal sources themselves, supplemented where appropriate by professional advice from authorised persons. After all, despite the latest reforms, thorough as they have mostly been, national patent law and practice are not static phenomena but are constantly changing and, of necessity, developing. As a result, it is not even possible to state with any certainty that the legal provisions summarised in the tables will not have been changed by the time this booklet appears. In particular, the reader should not assume that the official fees given at various points in the tables have not been increased in the meantime. It is therefore advisable always to refer back to the official publications of the Contracting States so as to keep up to date with the development of national legislation and official practice. The EPO will continue to provide regular and, as far as possible, up-to-date coverage in its Official Journal of legal developments in the Contracting States.
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<tr>
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<td>IP</td>
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<td>OJ EPO</td>
<td>Official Journal of the European Patent Office</td>
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<td>UK</td>
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This table lists (not necessarily all) the Contracting States’ important national legal sources (laws, regulations, decrees etc.) of significance for European patent applications and patents and, for the most part, also referred to in the subsequent tables. The title of these legal sources is given in the official language of the Contracting States in question. Where necessary, a translation in the official language of the EPO in which this summary is published is given underneath in italics in square brackets. To keep this table within a reasonable size, the “original title” in the case of States with more than one official language is given only in the language which is also one of the official languages of the EPO.

The dates on which the various items of referenced legislation entered into force have not been included, as this would have cluttered up the tables – especially in cases where some Articles of certain laws and regulations entered into force at different times.

Where the Office knows of translations into one of the official languages of the EPO of the legal sources listed, these are referenced. It should be noted, however, that these translations are not always up-to-date and that at all times only the original version given in the official publications is the authentic text.

The abbreviations used in the subsequent tables have been introduced for the sake of clarity and do not always coincide with the official abbreviations used in the Contracting States.
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1. Convention on the Unification of Certain Points of Substantive Law on Patents for Invention, done at Strasbourg on 27 November 1963  
3. Convention on the Grant of European Patents (European Patent Convention), Implementing Regulations and Four Protocols, done at Munich on 5 October 1973  
4. Convention for the European patent for the common market (Community Patent Convention) and Implementing Regulations, done at Luxembourg on 15 December 1975 as amended by the law of 28 March 1984 | Bl. f. PMZ 1978, 276 (German)                | Law of 8.7.77                               |
<p>|                   | 3. Loi du 10 janvier 1955 relative à la divulgation et à la mise en œuvre des inventions et des secrets de fabrique intéressant la défense du territoire ou la sûreté de l'Etat | Moniteur belge du 26.1.55                  |                                            |
|                   | 4. Loi du 28 mars 1984 sur les brevets d'invention                                                                                                                                                                   | Moniteur belge du 9.3.85                   |                                            |
|                   | 6. Arrêté royal du 18 juillet 1966 portant coordination des lois sur l'emploi des langues en matière administrative                                                                                               | Moniteur belge du 2.8.66                   |                                            |</p>
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For other legal provisions applicable to Liechtenstein see Switzerland Nos. 1-4
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* The entry into force of this law will be laid down by a Grand-Ducal Regulation.
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12. Grand-Ducal Decree of 21 June 1947 concerning the extension of time limits and the re-establishment of rights in respect of industrial property | Mémorial 1947, 613 | Fees Reg. of 12.6.75 |

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II. Filing of European patent applications pursuant to Article 75, paragraphs 1 (b) and 2, EPC

European patent applications may be filed at the EPO at Munich, its branch at The Hague, its sub-office in Berlin (however not in Vienna) or, if the law of a Contracting State so permits, at the central industrial property office or other competent authority of that State.

The following table indicates, for each Contracting State, whether European patent applications may be filed at the option of the applicant at the EPO or a national authority, which applications must be filed with the national authorities, the languages in which European patent applications are accepted by the national authorities and what special features need to be borne in mind in connection with the filing.

For the purpose of filing an application, a national representative does not need to be appointed if the applicant has neither a residence nor his principal place of business within the territory of the State concerned (Article 133(1) and (2) EPC).

Attention is drawn to the fact that a translation in respect of every application which is not in English, French or German must be filed in one of these languages within three months after the filing of the European application, but no later than 13 months after the date of priority (Article 14(2), Rule 6(1) EPC). If this translation is not filed in due time, the application is deemed to be withdrawn (Article 90(3) EPC).

European divisional applications must always be filed directly with the EPO at Munich, The Hague or Berlin (Article 76(1) EPC).

With regard to the languages specified in column 3, applicants are recommended to file applications where possible in the official language(s) of these States as difficulties of communication may arise – in particular in the case of States which have to examine applications in the light of national security regulations – possibly resulting in European patent applications being deemed to be withdrawn because of non-observance of the time limit for forwarding such applications (Article 77(5) EPC).
<table>
<thead>
<tr>
<th>Contracting State</th>
<th>Central industrial property office</th>
<th>1 Applicant can choose between EPO and national authorities (subject to column 2)</th>
<th>2 Applications which must be filed with national authorities</th>
<th>3 Languages in which European patent applications must or may be filed with national authorities</th>
<th>4 Official language(s)</th>
<th>5 Special features</th>
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<tbody>
<tr>
<td>Austria</td>
<td>Österreichisches Patentamt Kohlmarkt 8 – 10 A – 1014 Wien Tel. (+ 431) 5342 24-0 Fax (+ 431) 5342 45 20</td>
<td>Yes</td>
<td>–</td>
<td>All the languages pursuant to Article 14(1) and (2) EPC when at least the &quot;indication that a European patent is sought&quot;, the &quot;designation of at least one Contracting State&quot; and &quot;information enabling the applicant to be identified&quot; are in English, French or German</td>
<td>German</td>
<td>Stamp duty of ATS 120 is payable when filing the application; if Austria is also designated, the duty is increased to ATS 400. Applications may also be filed by facsimile*</td>
</tr>
<tr>
<td>Belgium</td>
<td>Office de la propriété industrielle auprès du Ministère des affaires économiques 24 – 26, rue J. A. De Mot B – 1040 Bruxelles Tel. (+ 322) 233 61 11 Fax (+ 322) 231 02 56</td>
<td>Yes</td>
<td>Applications filed by persons having Belgian nationality or having a residence or their principal place of business in Belgium and which are of importance for national security and defence</td>
<td>Dutch French German English</td>
<td>French Dutch</td>
<td>Applications may also be filed by facsimile*</td>
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<td>Art. 3(1) Law of 8.7.77</td>
<td>Art. 3(2) Law of 8.7.77</td>
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<tr>
<td>Denmark</td>
<td>Patentdirektoratet Helgeshøj Allé 81 DK – 2630 Taastrup Tel. (+ 4543) 71 71 71 Fax (+ 4543) 71 71 70</td>
<td>Yes</td>
<td>Inventions relating to war material or processes for the manufacture of war material which are owned by a person or an enterprise residing in Denmark or by a Danish institution must be filed at the DPO</td>
<td>All the languages pursuant to Article 14(1) and (2) EPC</td>
<td>Danish</td>
<td>Applications may also be filed by facsimile*</td>
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* See decision of the President of the EPO and notice from the EPO: OJ EPO 1992, 299 and 306
### II. Filing of European patent applications

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<td>Special features</td>
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<td><strong>France</strong></td>
<td>Yes</td>
<td>Applicants having a residence or their principal place of business in France must file with INPI unless claiming the priority of an earlier French application</td>
<td>All the languages pursuant to Article 14(1) and (2) EPC</td>
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<td>Institut national de la propriété industrielle (INPI)</td>
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<tr>
<td>26 bis, rue de St. Pétersbourg F - 75800 Paris</td>
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<tr>
<td>Tel. (+ 331) 42 94 52 52</td>
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<td><strong>Germany</strong></td>
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<td>Fax (+ 49 89) 21 95 22 21</td>
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<td>Deutsches Patentamt Dienststelle Berlin D-10958 Berlin</td>
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* see decision of the President of the EPO and notice from the EPO: OJ EPO 1992, 299 and 306
### Filing of European Patent Applications

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<th>Contracting State</th>
<th>1 Applicant can choose between EPO and national authorities (subject to column 2)</th>
<th>2 Applications which must be filed with national authorities</th>
<th>3 Languages in which European patent applications must or may be filed with national authorities</th>
<th>4 Official language(s)</th>
<th>5 Special features</th>
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<tr>
<td><strong>Greece</strong></td>
<td>Yes</td>
<td>Applications filed by persons having Greek nationality unless claiming the priority of an earlier Greek application</td>
<td>Greek, English, French, German (see also column 5)</td>
<td>Greek</td>
<td>European patent applications which are not filed in Greek must be accompanied by a Greek translation. Art. 4(2) Pres. Dec. No. 77/88. Applications as in column 2 may not be freely disseminated or utilised without the authorisation of the Minister responsible, which may be regarded as granted 30 days after filing if no provisional order that it be kept secret has been issued, or 125 days after filing if no final secrecy order has been issued. Law 4325/1963 gives further details.</td>
</tr>
<tr>
<td><strong>Ireland</strong></td>
<td>Yes</td>
<td>–</td>
<td>All the languages pursuant to Art. 14(1) and (2) EPC</td>
<td>Irish, English</td>
<td>–</td>
</tr>
<tr>
<td><strong>Italy</strong></td>
<td>Yes, if priority of an application filed in Italy over 90 days previously is claimed and such application has not been made subject to the official secrets regulations</td>
<td>European first applications filed by applicants having a residence or their principal place of business in Italy</td>
<td>All the languages pursuant to Article 14(1) and (2) EPC (see also column 5)</td>
<td>Italian</td>
<td>European patent applications may be filed by post (registered mail with advice of delivery) directly with the Italian Patent and Trademark Office (Ufficio Italiano Brevetti e Marchi) or handed in to the Provincial Office for Industry, Commerce and Trades (Ufficio provinciale dell’industria, del commercio e dell’artigianato de Rome, Via Capitan Bavastro n. 116 – ROMA). European patent applications which are not filed in Italian must be accompanied by a translation of the description and claims and, where appropriate, by a copy of the drawings. This requirement is waived if priority of an application filed in Italy over 90 days previously is claimed and such application has not been made subject to the official secrets regulations. Art. 1(2) and (3) DPR No. 32/1979.</td>
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### II. Filing of European patent applications

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<th>Languages in which European patent applications must or may be filed with national authorities</th>
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<td>Liechtenstein</td>
<td>see Switzerland</td>
<td>Applications relating to inventions of relevance to national security</td>
<td>All the languages pursuant to Art. 14(1) and (2) EPC</td>
<td>French, Luxembourg</td>
<td>A fee LUF/BEF 500 is payable for the transmission of the application to the EPO</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>Yes</td>
<td>Application relates to inventions of relevance to national security</td>
<td>All the languages pursuant to Art. 14(1) and (2) EPC</td>
<td>French</td>
<td>Art. 7(2) Law of 27.5.77, Art. 1 Reg. of 9.5.78</td>
</tr>
<tr>
<td>Ministère de l’Économie Service de la propriété intellectuelle Boîte postale 97 L-2914 Luxembourg Tel. (+ 3 52) 478-1</td>
<td>Art. 7 Law of 27.5.77</td>
<td>Art. 8 Law of 27.5.77, Law of 8.7.67, Reg. of 18.9.69</td>
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<td>Art. 1 MD</td>
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<td>Monaco</td>
<td>Yes</td>
<td>/</td>
<td>All the languages pursuant to Art. 14(1) and (2) EPC</td>
<td>French</td>
<td>Art. 1 MD</td>
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<tr>
<td>Service de la Propriété Industrielle 2 A, avenue du Prince Héréditaire Albert MC-98000 Monaco Tel. (+ 33) 93 15 80 00 Fax (+ 33) 92 05 75 20</td>
<td>Art. 1 SO No. 10.427</td>
<td>Art. 1 MD</td>
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<td>Art. 1 MD</td>
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<td>Netherlands</td>
<td>No; European patent applications must be filed at the EPO</td>
<td>Applications whose content must be kept secret in the interest of the defence of the realm</td>
<td>Applications under column 2 may be filed in all the languages pursuant to Art. 14(1) and (2) EPC</td>
<td>Dutch</td>
<td>Care should be taken not to address European patent applications, which are filed at the branch of the EPO at The Hague, to the Octrooiraad which is in the same building. The postal address of the branch of the EPO at The Hague is as follows: “Postbus 5818, 2280 HV Rijswijk.”</td>
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<tr>
<td>Octrooiraad</td>
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<tr>
<td>Postbus 5820 NL-2280 HV Rijswijk Tel. (+ 31 70) 3 98 66 55 Fax (+ 31 70) 3 90 01 90</td>
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<td>Art. 2(1) Dec. Law</td>
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<td>Portugal</td>
<td>Yes</td>
<td>Applicants with residence or principal place of business in Portugal must file with INPI any European patent application unless claiming the priority of an earlier Portuguese application or if the invention is considered secret</td>
<td>All the languages pursuant to Art. 14(1) and (2) EPC</td>
<td>Portuguese</td>
<td>Art. 3(1) Dec. Law</td>
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| * see decision of the President of the EPO and notice from the EPO: OJ EPO 1992, 299 and 306
## II. Filing of European patent applications

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<th>Contracting State</th>
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<th>4 Official language(s)</th>
<th>5 Special features</th>
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<tr>
<td>Spain</td>
<td>Yes</td>
<td>Applicants having their head office, domicile, normal residence or permanent place of business in Spain must file in Spain unless claiming the priority of an earlier Spanish application</td>
<td>All the languages pursuant to Art. 14(1) and (2) EPC (see also column 5)</td>
<td>Spanish</td>
<td>European patent applications which are not filed in Spanish must be accompanied by a translation of the description and claims and, where appropriate, by a copy of the drawings Art. 3 RD 2424</td>
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<tr>
<td>c/Panamá, 1 E-28036 Madrid Tel. (+ 3 41) 3 49 53 00</td>
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<td>Sweden</td>
<td>Yes</td>
<td>Defence inventions which have been made in Sweden or belong to a person domiciled in Sweden or to a Swedish legal person must be filed at the Swedish Patent Office or submitted to the “Granskningsnämnden för försvarsuppfinningar” (Defence inventions examination committee)</td>
<td>Swedish, German, English, French</td>
<td>Swedish</td>
<td>Applications may also be filed by facsimile *</td>
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<tr>
<td>Box 5055 Stockholm Tel. (+ 46 8) 7 82 25 00 Fax (+ 46 8) 7 83 01 63</td>
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<td>Austria</td>
<td>Yes</td>
<td>All the languages pursuant to Art. 14(1) and (2) EPC</td>
<td>Swiss, German, French</td>
<td>Switzerland: German, French, Italian, Liechtenstein: German</td>
<td>Applications may also be filed by facsimile *</td>
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* see decision of the President of the EPO and notice from the EPO: OJ EPO 1992, 299 and 306
II. Filing of European patent applications

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<th>Contracting State</th>
<th>Applicant can choose between EPO and national authorities (subject to column 2)</th>
<th>Applications which must be filed with national authorities</th>
<th>Languages in which European patent applications must or may be filed with national authorities</th>
<th>Official language(s)</th>
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<tr>
<td>United Kingdom</td>
<td>Yes</td>
<td>Applications by applicants resident in the United Kingdom unless (a) the applicant has filed an application at the United Kingdom Patent Office for the same invention not less than 6 weeks before filing the European patent application outside the United Kingdom and either the comptroller of the Patent Office has not prohibited the publication of the invention under Section 22 PA or any such prohibition has been revoked, or (b) the applicant has obtained written authority from the comptroller of the United Kingdom Patent Office</td>
<td>All the languages pursuant to Art. 14(1) and (2) EPC</td>
<td>English</td>
<td>Applications may also be filed by facsimile*</td>
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<td>Copies of all forms referred to can be obtained from the Newport address given in the left-hand column</td>
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<td>The restrictions do not apply to inventions for which an application was first filed in a country outside the United Kingdom by persons resident abroad</td>
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* see decision of the President of the EPO and notice from the EPO: OJ EPO 1992, 299 and 306
A. Rights conferred by a European patent application after publication pursuant to Article 93 EPC (Article 67 EPC)

B. Filing of translations of the claims pursuant to Article 67(3) EPC

Under Article 67(1) EPC, from the date of its publication under Article 93 EPC a European patent application provisionally confers on the applicant such protection as is conferred by Article 64, in the Contracting States designated in the application as published, i.e. the same rights as would be conferred by a national patent granted in those States.

Pursuant to Article 67(2), however, Contracting States may confer protection which is less than that referred to in Article 64 EPC. That protection may not, though, be less than that which would result from publication of an unexamined national patent application. The applicant must at least be given the right to claim compensation reasonable in the circumstances from an unauthorised user.

A further exception to the basic rule in Article 67(1) is laid down in Article 67(3) regarding the date from which provisional protection is effective.

Under that provision any Contracting State which does not have as an official language the language of the proceedings may prescribe that provisional protection shall not be effective until such time as a translation of the claims in one of its official languages at the option of the applicant or, where that State has prescribed the use of one specific official language, in that language:

(a) has been made available to the public in the manner prescribed by national law, or

(b) has been communicated to the person using the invention in the said State.

No time limits are prescribed for filing the above-mentioned translations in the Contracting States: provisional protection in the individual Contracting States becomes effective only when the conditions referred to in Article 67(3) EPC have been fulfilled.
### III. A. Rights conferred by a European patent application after publication pursuant to Article 93 EPC (Article 67 EPC)

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<td>Provisional protection under Art. 64 EPC (Art. 67(1) EPC)</td>
<td>Translation of the claims necessary pursuant to Art. 67(3) EPC?</td>
<td>Compensation rights</td>
<td>When does the right referred to in column 3 arise if a translation pursuant to Art. 67(3) EPC is necessary?</td>
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<td>Austria</td>
<td>No</td>
<td>Yes</td>
<td>Compensation reasonable in the circumstances</td>
<td>When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user</td>
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<td>§ 4(2) ILPT</td>
<td>§ 4(1) ILPT</td>
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<td>Belgium</td>
<td>No</td>
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<td>Compensation reasonable in the circumstances</td>
<td>When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user</td>
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<td>Art. 3(3) Law of 8.7.77</td>
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<tr>
<td>Denmark</td>
<td>No</td>
<td>Yes</td>
<td>Compensation reasonable in the circumstances</td>
<td>When the translation of the claims is made available to the public in accordance with table III.B., column 7</td>
</tr>
<tr>
<td></td>
<td>§ 83 PA</td>
<td>§ 83(1) PA</td>
<td>§§ 58(2) and 83(2) PA</td>
<td>§ 83(1) PA</td>
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<td>France</td>
<td>Yes, subject to grant of patent</td>
<td>Yes</td>
<td>Damages; possibly seizure of the articles infringing the patent application; the court hearing the infringement action stays proceedings until the patent is granted</td>
<td>When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user</td>
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<tr>
<td>Germany</td>
<td>No</td>
<td>Yes</td>
<td>Compensation reasonable in the circumstances</td>
<td>When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user</td>
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<td>Art. II, § 1(1) LIPC</td>
<td>Art. II, § 1(2) LIPC</td>
<td>Art. II, § 1(1) LIPC</td>
<td>Art. II, § 1(2) LIPC</td>
</tr>
<tr>
<td>Greece</td>
<td>Yes</td>
<td>Yes</td>
<td>Damages; possibly seizure of the articles infringing the patent application; the court hearing the infringement action can stay decisions until the patent is granted</td>
<td>When the translation of the claims is made available to the public in accordance with table III.B., column 7</td>
</tr>
<tr>
<td></td>
<td>Art. 23(2) Law No. 1733/87</td>
<td>Art. 23(3) Law No. 1733/87</td>
<td>Art. 17(3) Law No. 1733/87</td>
<td>Art. 10 Pres. Dec. No. 77/88</td>
</tr>
<tr>
<td>Ireland</td>
<td>Yes</td>
<td>Yes</td>
<td>Damages; action may only be brought after grant of the patent</td>
<td>When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user</td>
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<tr>
<td></td>
<td>Sect. 44, 56, 120 PA</td>
<td>Sect. 120(6) PA</td>
<td>Sect. 56 PA</td>
<td>Sect. 56(1), 120(b) PA</td>
</tr>
<tr>
<td>Contracting State</td>
<td>1 Provisional protection under Art. 64 EPC (Art. 67(1) EPC)</td>
<td>2 Translation of the claims necessary pursuant to Art. 67(3) EPC?</td>
<td>3 Compensation rights</td>
<td>4 When does the right referred to in column 3 arise if a translation pursuant to Art. 67(3) EPC is necessary?</td>
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<td>Italy</td>
<td>Yes</td>
<td>Yes</td>
<td>Damages; possibly description and seizure of the articles infringing the patent application and anything used in the making thereof</td>
<td>When the translation of the claims is made available to the public by the IT-Patent Office in accordance with table III.B., column 7, or communicated to the user Art. 3 DPR No. 32/1979; Art. 83a PL; Dec. of 30.6.82</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>see Switzerland</td>
<td></td>
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<tr>
<td>Luxembourg</td>
<td>No</td>
<td>Yes</td>
<td>Compensation reasonable in the circumstances</td>
<td>When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user Art. 4(1) Law of 27.5.77</td>
</tr>
<tr>
<td>Monaco</td>
<td>Yes</td>
<td>Yes</td>
<td>Damages and possibly fine; possibly seizure of the articles infringing the patent application</td>
<td>When the translation of the claims is notified to the alleged infringer. (The translation is to be sent only to the alleged infringer and not to the MC-Patent Office.) Art. 2(2) SO No. 10.427</td>
</tr>
<tr>
<td>Netherlands</td>
<td>No</td>
<td>Yes</td>
<td>Compensation reasonable in the circumstances</td>
<td>30 days after notification of the applicant’s rights (writ) has been served on the user; this writ must be accompanied by the Dutch translation of the claims or else indicate that the translation has been laid open by the Office for inspection Art. 43 B(3) PA</td>
</tr>
<tr>
<td>Portugal</td>
<td>No</td>
<td>Yes</td>
<td>Compensation reasonable in the circumstances; the court hearing the infringement action stays proceedings until the patent is granted</td>
<td>When the translation of the claims and a copy of the drawings is made available to the public in accordance with table III.B., column 7 Art. 333 PA</td>
</tr>
<tr>
<td>Spain</td>
<td>No</td>
<td>Yes</td>
<td>Compensation reasonable in the circumstances</td>
<td>When the translation of the claims is made available to the public in accordance with table III.B., column 7 Art. 5 RD 2424</td>
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</table>
### III. A. Rights conferred by a European patent application

<table>
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<tr>
<th>Contracting State</th>
<th>Provisional protection under Art. 64 EPC (Art. 67(1) EPC)</th>
<th>Translation of the claims necessary pursuant to Art. 67(3) EPC?</th>
<th>Compensation rights</th>
<th>When does the right referred to in column 3 arise if a translation pursuant to Art. 67(3) EPC is necessary?</th>
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<tr>
<td>Sweden</td>
<td>No</td>
<td>Yes</td>
<td>Compensation reasonable in the circumstances</td>
<td>When the translation of the claims is made available to the public in accordance with table III.B., column 7, and notice of the fact is published in the Swedish Patent Bulletin (§§ 58, 87 and 88(2) PA)</td>
</tr>
<tr>
<td></td>
<td>§ 88(2) PA</td>
<td>§ 88(1) PA</td>
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<td>§ 88(2) PA</td>
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<tr>
<td>Switzerland/</td>
<td>No</td>
<td>Yes</td>
<td>Damages; action may only be brought after grant of the patent</td>
<td>When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>Art. 111(1) PA</td>
<td>Art. 112 PA</td>
<td>Arts. 111(2) and 73(3) PA</td>
<td>Art. 112 PA</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Yes</td>
<td>Yes</td>
<td>Damages; court proceedings may only be brought after grant of the patent</td>
<td>When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user</td>
</tr>
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<td></td>
<td>Sects. 78(1), (2), (3)(d) Rule 5 PR 1987 Sect. 69 PA</td>
<td>Sect. 78(7) and (8) PA Rule 80 and Schedule 4, 3 PR</td>
<td>Sect. 69 PA (see als Sect. 62 PA regarding innocent infringers)</td>
<td>Sect. 78(7) PA</td>
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### III. B. Filing of translations of the claims pursuant to Article 67(3) EPC

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<tr>
<th>Contracting State</th>
<th>Must a national representative be appointed?</th>
<th>(a) Special fee payable?</th>
<th>(b) If so, when due?</th>
<th>Language(s) in which the translation must be filed</th>
<th>Must a form be used?</th>
<th>No. of copies to be filed</th>
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<tbody>
<tr>
<td>Austria</td>
<td>Yes</td>
<td>(a) ATS 1600 plus ATS 350 for the 6th and each subsequent page of the translation (see also column 10)</td>
<td>German</td>
<td>No</td>
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<td></td>
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<td>(b) the translation is not published until the fee has been paid</td>
<td>§ 24 ILPT § 21(4) PA</td>
<td>§ 4(2) and 22 ILPT § 166(10) PA</td>
<td>§ 4(2) ILPT</td>
<td></td>
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<tr>
<td>Belgium</td>
<td>Yes. Translations may be validly filed only by a professional representative before the OPRI or by a legal practitioner</td>
<td>No</td>
<td>French or Dutch (but see column 10)</td>
<td>No</td>
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<td>§ 55(2) and 58 PA (cf. also OJ EPO 11/1986, p. 393)</td>
<td>Art. 3(3) Law of 8.7.77</td>
<td>Art. 4(1) RD of 27.2.81</td>
<td></td>
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<tr>
<td>Denmark</td>
<td>No, but if the translation does not comply with the requirements in section 83, PA, the Danish Patent Office may require the deficiencies to be corrected by an agent residing in Denmark</td>
<td>No</td>
<td>Danish</td>
<td>Recommended, but not obligatory</td>
<td>§ 12 PA and § 116 PO</td>
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<td>§ 12 PA and § 116 PO</td>
<td>§ 83(1) PA</td>
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</table>

**Notes:**
- Austria: § 24 ILPT § 21(4) PA
- Belgium: Art. 55(2) and 58 PA (cf. also OJ EPO 11/1986, p. 393)
- Denmark: § 12 PA and § 116 PO
<table>
<thead>
<tr>
<th>6</th>
<th>Are documents which meet the formal requirements pursuant to Rule 35(3)-(14) EPC accepted?</th>
<th>7</th>
<th>Manner and form in which the translation is made available to the public</th>
<th>8</th>
<th>Correction of translation permitted?</th>
<th>9</th>
<th>Is provision made for a special fee for correction?</th>
<th>10</th>
<th>Special features</th>
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<tbody>
<tr>
<td>Yes</td>
<td>Inspection in reading room; Copies available; Mention in Patent Bulletin</td>
<td>Yes</td>
<td>Yes</td>
<td>The publication fee is deemed to have been paid only when proof of payment has duly been provided</td>
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<td>§ 9 POR</td>
<td>§ 31(1) ILPT</td>
<td>§ 6(2)-(4) ILPT</td>
<td>§§ 6(2) and 22 ILPT</td>
<td>§ 22(3) ILPT § 169 PA; § 4(4) RPT</td>
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<td>Yes</td>
<td>Inspection in reading room; Copies available</td>
<td>Yes (Errors of transcription)</td>
<td>No</td>
<td>The provisions of the Royal Decree of 18.7.66 on the co-ordination of laws concerning the use of languages for administrative purposes apply to the language of the translation. The following languages are to be used: - French or Dutch for natural and legal persons having a residence or their principal place of business abroad - French or Dutch for natural persons resident in Belgium - Private undertakings in Belgium must use the language of the region where their place of business is located. The translation must contain the name of the applicant, the publication number of the European patent application and a translation of the title of the invention. Art. 4(1) RD of 27.2.81 Art. 3(3) Law of 8.7.77 Art. 1 RD of 18.12.86 Art. 4 RD of 27.2.81</td>
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<td>Art. 4(1) RD of 27.2.81</td>
<td>Art. 3(3) Law of 8.7.77 Art. 1 RD of 18.12.86 Art. 4 RD of 27.2.81</td>
<td>Art. 7 RD of 27.2.81</td>
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<td>Art. 4(2) and (3) RD of 27.2.81</td>
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<td>Yes</td>
<td>Mention in “Dansk Patenttidende” (Danish Patent Gazette); Inspection in reading room; Copies available</td>
<td>Yes</td>
<td>No</td>
<td>The European patent application number and the name and adress of the applicant must be given with the translation. Otherwise the translation is deemed not to have been filed. The title of the invention in Danish must also be supplied with the translation</td>
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<td>§ 83(1) PA §§ 113 and 114(2) PO</td>
<td>§ 86(2) PA</td>
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<td>§ 113 PO</td>
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<tr>
<td>Contracting State</td>
<td>1 Must a national representative be appointed?</td>
<td>2 (a) Special fee payable? (b) If so, when due?</td>
<td>3 Language(s) in which the translation must be filed</td>
<td>4 Must a form be used?</td>
<td>5 No. of copies to be filed</td>
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<tr>
<td><strong>France</strong></td>
<td>No, but it is recommended that an address for service in France be given. The authorised professional representative before the EPO is not required to file a new authorisation.</td>
<td>(a) FRF 230 (b) Date on which translation is filed (see also column 10)</td>
<td>French</td>
<td>No</td>
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<td>Art. 11 and 18 Dec. No. 78-1011; Fees Ord. of 30.1.92</td>
<td>Art. L. 614-9., Law No. 92-597</td>
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<td><strong>Germany</strong></td>
<td>No</td>
<td>(a) DEM 100; (b) Within one month after receipt of the request for publication</td>
<td>German</td>
<td>Yes</td>
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<td><strong>Greece</strong></td>
<td>The translation must be filed by either the applicant or a Greek legal practitioner. Applicants with neither residence nor principal place of business in Greece must appoint a representative for service in that country.</td>
<td>(a) GRD 46500 (b) Date on which translation is filed with the OBI; mention of the filing of the translation is published only when the fee has been paid</td>
<td>Greek</td>
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<td>6 Are documents which meet the formal requirements pursuant to Rule 35(3)-(14) EPC accepted?</td>
<td>7 Manner and form in which the translation is made available to the public</td>
<td>8 Correction of translation permitted?</td>
<td>9 Is provision made for a special fee for correction?</td>
<td>10 Special features</td>
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<tr>
<td>Yes</td>
<td>Notice of the filing of the translation appears in the Official Bulletin (BOPI); Inspection in reading room; Copies available</td>
<td>Yes</td>
<td>FRF 230</td>
<td>A request for publication and proof of payment of the requisite fee must be submitted with the translation Art. 11, Dec. No. 78-1011 The translation may be filed with INPI in Paris or the branch offices in Bordeaux, Lille, Lyon, Marseille, Nancy, Nice-Sophia Antipolis, Rennes or Strasbourg (PIBD 1981 I 15; 1983 I 81; 1985 I 376; 1987 I 53; 1993 I 23) For further formal requirements see the INPI notices in PIBD 1979 I 8, I 59, and 1981 I 36</td>
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<td>(see also column 10)</td>
<td>Art. 9, Dec. No. 78-1011</td>
<td>Art. L. 614-10. Law No. 92-597</td>
<td>Arts. 12 and 18 Dec. No. 78-1011; Fees Ord. of 30.1.92</td>
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<td>Yes</td>
<td>Printed publication; Mention in the “Patentblatt”</td>
<td>Yes</td>
<td>DEM 100</td>
<td>At the head of the first page at least of all communications sent to the Patent Office, the European patent application number must be given, preceded by the letters “EP” § 3, Publ. Reg. If the request for the publication of the German translation (see column 4) is not filed using the prescribed form, there are no adverse legal consequences (objection, delay in the publication), in so far as the translation was accompanied by all the prescribed data as laid down in § 1 Publ. Reg. If the fee shown in column 2 is not paid in time, the translation is deemed not to have been filed Art. II, § 2(1) LIPC</td>
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<td>Art. II, § 2(1) LIPC</td>
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<td>Yes</td>
<td>Mention in “EDBI”; Inspection in reading room; Copies available</td>
<td>Yes</td>
<td>No</td>
<td>The European application and publication numbers, the applicant’s name and address and the title of the invention in Greek must be supplied with the translation Art. 9(2) Pres. Dec. No. 77/88 The fact that the translation has been filed is entered in the Records Book (Volume B)</td>
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<tr>
<td>Ireland</td>
<td>Yes. Applicants with neither a residence nor principal place of business in Ireland must be represented by an authorised patent agent. An address for service in Ireland must be given which may be that of a patent agent. R. 92, 93(1) PR</td>
<td>(a) IEP 30 (b) Date on which translation is filed</td>
<td>English</td>
<td>No</td>
<td>1</td>
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<td>Italy</td>
<td>No, but an address for service in Italy must be given</td>
<td>A fee is payable in respect of one of the copies of the form pursuant to Column 4 (ITL 15000 payable by fee stamps, stamped paper (marca da bollo or carta bollata) or international postal money order; for every four pages or fraction of text ITL 15000 payable by fee stamps; if acknowledgement of receipt is required a fourth form must be submitted in respect of which an additional fee (ITL 15000) is payable) Circular No. 160 of 7.7.82 Art. 4 Dec. of 30.6.82</td>
<td>Italian</td>
<td>Yes – in triplicate (if acknowledgement of receipt is required: in quadruplicate; see column 2)</td>
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<td>Luxembourg</td>
<td>Yes</td>
<td>(a) LUF/BEF 300 (b) Date on which translation is filed</td>
<td>French or German</td>
<td>No</td>
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<td>Art. 9bis PL</td>
<td>Art. 2(3) Reg. of 9.5.78 Art. 4(1) Law of 27.5.77</td>
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<td>Monaco</td>
<td>No</td>
<td>No</td>
<td>French</td>
<td>No</td>
<td>1 (see column 10)</td>
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<tr>
<td>Netherlands</td>
<td>No. The authorised professional representative before the EPO is not required to file a new authorisation</td>
<td>No</td>
<td>Dutch</td>
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<tr>
<td>Are documents which meet the formal requirements pursuant to Rule 35(3)–(14) EPC accepted?</td>
<td>Manner and form in which the translation is made available to the public</td>
<td>Correction of translation permitted?</td>
<td>Is provision made for a special fee for correction?</td>
<td>Special features</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Inspection at the Patents Office; Copies available</td>
<td>Yes</td>
<td>Yes, as in column 2 to be paid within one month of filing the corrected translation if it is desired that the translation be published by the IPO</td>
<td>Yes</td>
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<tr>
<td>R. 15 PR</td>
<td>Sect. 2, 100(3), 120(6) PA R. 65 and Schedule I PR</td>
<td>Sect. 121(3) PA R. 85 PR</td>
<td>Sect. 121(3) PA R. 85 and Schedule I PR</td>
<td>Art. 5(4) DPR No. 32/1979</td>
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<tr>
<td>Yes</td>
<td>Inspection in reading room; Copies available</td>
<td>Yes</td>
<td>Yes, as in column 2</td>
<td>Art. 3 DPR No. 32 in conjunction with Art. 2 Dec. of 30.6.82</td>
<td></td>
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<tr>
<td>Yes</td>
<td>Entry in the patent register; Inspection in reading room; Copies available</td>
<td>Yes</td>
<td>Yes</td>
<td>The translations must be filed with the Provincial Offices for Industry, Commerce and Trades in the provincial capitals (Uffici provinciali dell'industria, del commercio e dell'artigianato dei capoluoghi di provincia) or by post (registered mail with advice of delivery) with the Italian Patent Office in Rome (cf. also OJ EPO 1982, 428)</td>
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<td>The services of a representative need not be enlisted for making fee payments. The name and address of the applicant and the number and date of publication of the European patent application must be submitted with the translation</td>
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<td>Art. 2(1) Reg. of 9.5.78</td>
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<td>No national formal requirements are laid down for translations</td>
<td>Inspection in the &quot;Aanmelding en Registers’ department; Mention in “De Industriële Eigendom&quot; Art. 43B(5) PA</td>
<td>No requirements laid down</td>
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<td>The translation is to be notified only to the alleged infringer and not to the MC-Patent Office</td>
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<td>Contracting State</td>
<td>1 Must a national representative be appointed?</td>
<td>2 (a) Special fee payable? (b) If so, when due?</td>
<td>3 Language(s) in which the translation must be filed</td>
<td>4 Must a form be used?</td>
<td>5 No. of copies to be filed</td>
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<td>(a) PTE 500 (presentation fee) PTE 5000 (filing fee) PTE 6000 (publication fee) (b) mention of the filing of the translation is not published until the fee has been paid</td>
<td>Portuguese</td>
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<td>Spain</td>
<td>Yes. Translations may be validly filed only by a professional representative</td>
<td>(a) ESP 11640 (ESP 10890 for translations on magnetic data carrier) (b) the translation is not published until the fee has been paid</td>
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<td>Sweden</td>
<td>No. The authorised professional representative before the EPO is not required to file a new authorisation</td>
<td>(a) SEK 200 (b) mention of the filing of the translation is not published until the fee has been paid § 88(1) PA § 45 PD</td>
<td>Swedish; the translation must be certified by the person who made the translation and who is responsible for it § 88(1) PA §§ 39a, 41 POR</td>
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<td>Switzerland/Liechtenstein</td>
<td>No, if supplied in accordance with the regulations; the authorised professional representative before the EPO is not required to file a new authorisation</td>
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<td>United Kingdom</td>
<td>No, but a UK address for service must be given (by letter or on Form 56/77); the authorised professional representative before the EPO is not required to file a new authorisation</td>
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<td>Correction of translation permitted?</td>
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<td>§ 91(2) PA § 91(2) PA § 45 PD</td>
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<td>Yes</td>
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<td>Yes</td>
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<td>Art. 116(4) PO</td>
<td>Art. 114 PA Art. 116(5) PO</td>
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<td>Yes</td>
<td>Display in Science Reference and Information Service, London; Copies available from the Patent Office; Mention in “Official Journal (Patents)”; Entry in the patent register</td>
<td>Yes</td>
<td>(a) Form 57/77 (Sect. 80(3)) in duplicate, or (b) Form 47/77 (Sect. 117, Rule 91) in duplicate</td>
<td>(a) GBP 35 Within fourteen days from the day on which the corrected translation is filed (b) GBP 40 due at the same time as filing the corrected translation and request</td>
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<td>Sect. 78(7) PA Rule 80 and Schedule 4, 6 PR</td>
<td>Sect. 80(3), 117 PA Rules 80, 91 and Schedule 4, 4 PR</td>
<td>Sect. 80(3) PA Rule 80 and Schedule 4, 4 PR Schedule to PFR</td>
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</table>
Filing of translations of the patent specification
under Article 65 EPC

IV.

1. Legal basis
Under Article 65, paragraph 1, of the European Patent Convention, any Contracting State can prescribe that if the text, in which the European Patent Office intends to grant a European patent or maintain a European patent as amended for that State, is not drawn up in one of its official languages, the applicant for or proprietor of the patent must supply to its central industrial property office a translation of this text in one of its official languages at his option or, where that State has prescribed the use of one specific official language, in that language.

2. Legal position in the Contracting States
Of the 17 Contracting States, fifteen, namely Austria, Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Liechtenstein, Netherlands, Portugal, Switzerland, Spain, Sweden and the United Kingdom, have enacted provisions under Article 65(1) and (2), EPC. All these States have prescribed, in accordance with Article 65(3) EPC, that in the event of failure to observe the relevant national provisions, the European patent will be deemed to be void ab initio. The circumstances in which such a loss of rights occurs are determined by the national law of the Contracting States concerned. In the Contracting States Austria, Denmark, France, Germany, Italy, Netherlands, Portugal, Sweden, Spain, Switzerland/Liechtenstein and the United Kingdom re-establishment of rights in the event of failure to observe the time limit for filing the translation (cf. Column 2) is possible subject to the requirements of the national law of the State concerned.

The Contracting States Luxembourg and Monaco do not at present require a translation of the European patent specification.

With the exception of Belgium (see “Special features” column in the table) no State with more than one official language has prescribed a specific official language for the translation.

In all Contracting States, with the exception of Belgium, translations of the patent specification, provided the remaining national requirements are met, are deemed to have been duly filed even if the address for service required is indicated, or a national representative appointed, only after the date of filing (or within any time limit set by the national patent authorities).

3. Different sets of claims
If, because of reservations made in accordance with Article 167(2) EPC (cf. preliminary remarks to Table IX) or in the event of national prior rights (Article 54(3), Rule 87 EPC), the European patent application contains different sets of claims for different States, only a translation of the set of claims applicable to the State in question need be filed.

4. Effect of the European patent as a national patent
It should be noted that, subject to Article 68 EPC, a European patent automatically acquires the effect of a national patent granted in a Contracting State on the date the mention of its grant is published in the European Patent Bulletin. Accordingly, no action need be taken by the patentee before the national patent authorities for the European patent to acquire that effect, provided it was published by the EPO in a language prescribed by the State concerned pursuant to Article 65(1) EPC or the State does not require a translation of the patent specification.

See Table VI regarding payment of national renewal fees.

5. Explanatory notes concerning the table
The following table contains information regarding each of the aforementioned States, which should be of assistance to applicants in filing the translation of the patent specification with the central industrial property office. It also contains information as to how the translations filed will be made available to the public.
<table>
<thead>
<tr>
<th>Contracting State</th>
<th>1 Must a national representative be appointed?</th>
<th>2 Period for filing the translation</th>
<th>3 (a) Special fee payable? (b) If so, when due?</th>
<th>4 Language(s) in which the translation must be filed</th>
<th>5 Must a form be used?</th>
<th>6 No. of copies to be filed</th>
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<tr>
<td>Austria</td>
<td>Yes</td>
<td>3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin</td>
<td>(a) ATS 1600 plus ATS 350 for the 6th and each subsequent page of the translation and ATS 350 for the 3rd and each subsequent page of any drawings (b) within period pursuant to column 2</td>
<td>German</td>
<td>No</td>
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<tr>
<td>§ 24 ILPT</td>
<td>§ 5(1) ILPT</td>
<td>§ 5(1) and 22 ILPT § 166(10) PA</td>
<td>§ 5(1) ILPT</td>
<td></td>
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<tr>
<td>Belgium</td>
<td>Yes. Translations may be validly filed only by a professional representative before the OPRI or by a legal practitioner (cf. also OJ EPO 11/1986, p. 393)</td>
<td>3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin</td>
<td>No</td>
<td>French or Dutch (subject to column 11)</td>
<td>No</td>
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<td>§ 12 and 66 PA</td>
<td>§ 77 PA</td>
<td>§ 77(1) PA; § 112 PO and § 1(9) Fees Order</td>
<td>§ 77(1) PA</td>
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<td>§ 21(4) PA</td>
<td>Art. 5(1) Law of 8.7.77 (see also column 11)</td>
<td>Art. 5(1) Law of 8.7.77</td>
<td>Art. 6(3) RD of 27.2.81</td>
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<td>§ 24 ILPT</td>
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<td>§ 5(1) and 22 ILPT § 166(10) PA</td>
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<td>§ 61 PO</td>
<td>§ 5(1) ILPT</td>
<td>§ 5(1) ILPT § 166(10) PA</td>
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<td>Denmark</td>
<td>No, but if the translation does not comply with the requirements in section 77, PA, the DPO may require the deficiencies to be corrected by an agent residing in Denmark</td>
<td>3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin</td>
<td>(a) DKK 1100 plus DKK 220 for each complete or incomplete page of the translation (including any drawings) in excess of five (b) within the period pursuant to column 2</td>
<td>Danish</td>
<td>Recommended, but not obligatory</td>
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<td>§ 12 and 66 PA</td>
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<tr>
<td>Are documents which meet the formal requirements pursuant to Rules 32 and 35(3)–(14) EPC accepted?</td>
<td>Manner and form in which the translation is made available to the public</td>
<td>Correction of translation permitted?</td>
<td>Is provision made for a special fee for correction?</td>
<td>Special features</td>
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<td>Yes</td>
<td>Translation and any corrections published in the form of a printed patent document; mention of the published printed patent document and of any corrections appears in the Patent Bulletin</td>
<td>Yes</td>
<td>Yes, cf. column 3(a)</td>
<td>The publication fee is deemed to have been paid only when proof of payment has duly been provided</td>
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<td>§ 9 POR</td>
<td>§§ 5(1) and 6(3), (4) ILPT</td>
<td>§ 6(2) ILPT</td>
<td>§ 6(2) and 22 ILPT; § 166(3), (10) PA</td>
<td>The translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter</td>
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<td>Yes</td>
<td>Display in reading room; Copies available</td>
<td>Yes (errors of transcription)</td>
<td>No</td>
<td>The provisions of the “Royal Decree of 18.7.66 on the co-ordination of laws concerning the use of language in the administration” have to be observed as regards the language of the translation (see table III.B., column 10)</td>
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<td>Art. 6(2) RD of 27.2.81</td>
<td>Art. 5(3) Law of 8.7.77</td>
<td>Art. 7 RD of 27.2.81</td>
<td></td>
<td>If the translation is filed before the mention of the grant or the decision regarding opposition is published in the European Patent Bulletin (cf. column 2), the date and issue no. of the Bulletin containing such publication must be indicated.1</td>
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<td>Yes</td>
<td>Mention of the filing of the translation in “Dansk Patenttidende” (Danish Patent Gazette); Inspection in reading room; Published in the form of printed patent documents; Printed copies available</td>
<td>Yes</td>
<td>Yes, cf. column 3(a)</td>
<td>The translation must be accompanied by a copy of the drawings in the European patent specification. The quality of the copy must permit direct reproduction in accordance with Rule 35(3) EPC (cf. also OJ EPO 2/1986, p. 72)</td>
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<td>§ 77(2) and (3) PA</td>
<td>§ 86(1) PA</td>
<td>§ 86(1) PA; § 1 (IX) Fees Order</td>
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<td>The application number of the European patent application and the name and address of the applicant must accompany the translation. If the EPO maintains the patent in an amended form, the number of the European patent and the name and address of the proprietor of the patent must accompany the translation of the amended text</td>
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1 If the mention of the grant or the decision regarding opposition is postponed or cancelled, the Office must at once be informed accordingly; it must also be informed as soon as possible of the date and issue no. of the European Patent Bulletin containing the new publication.
<table>
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<th>Contracting State</th>
<th>1 Must a national representative be appointed?</th>
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<td>France</td>
<td>No, but it is recommended that an internal address for service be given. The authorised professional representative before the EPO is not required to file a new authorisation.</td>
<td>3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin (see also column 11)</td>
<td>(a) FRF 230 (b) Date on which translation is filed</td>
<td>French</td>
<td>No (see however, column 11)</td>
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<td>Germany¹</td>
<td>No</td>
<td>3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin</td>
<td>(a) DEM 250 (b) Within period pursuant to column 2</td>
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<td>§ 2 Transl. Reg.</td>
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¹ Applies to European patents whose grant is published in the European Patent Bulletin on or after 1 June 1992
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<td>- European publication number</td>
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<td>- Application number</td>
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<td>- Number and date of the European Patent Bulletin in which the grant was mentioned (PIBD 1986 I 43)</td>
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<td>For further recommended formal requirements, see also the INPI Notice in PIBD 1979 I 185 and 1981 I 36</td>
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<td>Ireland</td>
<td>Yes</td>
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<td>R. 93(1) PR</td>
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<td>Italy</td>
<td>No, but an internal address for service must be given</td>
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<td>Art. 4(4) DPR No. 32/1979</td>
</tr>
</tbody>
</table>
### IV. Translations of the patent specification

<table>
<thead>
<tr>
<th>Are documents which meet the formal requirements pursuant to Rules 32 and 35(3)-(14) EPC accepted?</th>
<th>Manner and form in which the translation is made available to the public</th>
<th>Correction of translation permitted?</th>
<th>Is provision made for a special fee for correction?</th>
<th>Special features</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Mention in &quot;EDBI&quot;; Inspection in reading room; Copies available</td>
<td>Yes</td>
<td>No</td>
<td>The European application and publication numbers, the applicant’s name and address as well as the issue number and date of the European Patent Bulletin in which the grant was mentioned must be supplied with the translation</td>
</tr>
<tr>
<td>Yes</td>
<td>Inspection at the Patents Office; Copies available</td>
<td>Yes</td>
<td>IEP 30 within one month of the filing at the IPO of the corrected translation if it is desired that the translation be published</td>
<td></td>
</tr>
<tr>
<td>R. 15 PR</td>
<td>Sect. 2, 100(3), 119(6), (8) PA R. 65 and Schedule I PR</td>
<td>Sect. 119(6) 121(3) PA</td>
<td>R. 85 and Schedule I PR</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Display in reading room; Copies available</td>
<td>Yes; the form required for the purposes of column 5 must be used; the IT Patent Office recommends that the national reference number allocated when the translation was filed be quoted</td>
<td>cf. column 3</td>
<td>The translations must be filed with the Provincial Offices for Industry, Commerce and Trades in the provincial capitals (Uffici provinciali dell'industria, del commercio e dell'artigianato dei capoluoghi di provincia) or by post (registered mail with advice of delivery) with the IT Patent Office in Rome (cf. also OJ EPO 1982, 429)</td>
</tr>
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<td>Art. 4 DPR No. 32 in conjunction with Art. 2 Dec. of 30.6.82</td>
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<tr>
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<td></td>
<td>The IT Patent Office recommends that a translation of the abstract appearing in the European patent application and a copy of the drawings be filed</td>
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<td>Art. 5(4) DPR No. 32/1979</td>
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<td>Contracting State</td>
<td>1 Must a national representative be appointed?</td>
<td>2 Period for filing the translation</td>
<td>3 (a) Special fee payable? (b) If so, when due?</td>
<td>4 Language(s) in which the translation must be filed</td>
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</tr>
<tr>
<td>Liechtenstein</td>
<td>see Switzerland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>No, but an internal address for service must be given (see also column 11) The authorised professional representative before the EPO is not required to file a new authorisation</td>
<td>3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin (see also column 11)</td>
<td>(a) NLG 55 (b) within period pursuant to column 2</td>
<td>Dutch; the translation must be certified by a Dutch representative (see also column 11)</td>
</tr>
<tr>
<td></td>
<td>Art. 29 O PA</td>
<td>Art. 29 P(1) PA Art. 31 L(1)–(2) PR</td>
<td>Art. 17(7), 31 L(3) PR</td>
<td>Art. 29 P(1) PA Art. 22, 23, 31 L(4) PR</td>
</tr>
<tr>
<td>Portugal</td>
<td>Yes</td>
<td>3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin</td>
<td>(a) PTE 500 (presentation fee) PTE 6000 (publication fee) PTE 5000 (filing fee; this fee applies only if the patentee has not filed a translation of the claims to secure provisional protection) (b) within period pursuant to column 2</td>
<td>Portuguese</td>
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<tr>
<td></td>
<td>Art. 7 Dec. Law</td>
<td>Art. 6(1) Dec. Law Art. 6(2) Dec. Law Fees Order</td>
<td>Art. 6(2) Dec. Law Fees Order</td>
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<td>Yes</td>
<td>Mention of the filing of the translation in “De Industriele Eigendom”; Display in reading room; Copies available</td>
<td>Yes; the corrected translation must be certified by a Dutch representative</td>
<td>Yes, cf. column 3(a)</td>
<td>The publication number of the European patent must be indicated on the translation. The translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter. The certification referred to in columns 4 and 9 should be in the form of a signed declaration by the representative to the effect that to the best of his knowledge the translation is complete and correct. The patent lapses if the applicant does not indicate the required address for service within three months of the date on which mention of the grant of the patent was entered in the public register of the NL Patent Office</td>
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<tr>
<td>Art. 29 P(3) PA</td>
<td>Art. 29 P(7) PA</td>
<td>Art. 29 P(7) PA Art. 17(7) PR</td>
<td>Art. 29 O PA Art. 31 L(4)-(5) PR</td>
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<tr>
<td>Yes</td>
<td>Mention of the filing of the translation in the Industrial Property Bulletin and in the patent register; Inspection in reading room; Copies available</td>
<td>Yes</td>
<td>PTE 500 (presentation fee)</td>
<td>Applicants with neither residence nor principal place of business in Portugal must have the translation certified by a Portuguese representative. The translation of the European patent specification must be accompanied by a copy of the drawings, even if these contain no text for translation.</td>
</tr>
<tr>
<td>Contracting State</td>
<td>1 Must a national representative be appointed?</td>
<td>2 Period for filing the translation</td>
<td>3 (a) Special fee payable? (b) If so, when due?</td>
<td>4 Language(s) in which the translation must be filed</td>
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<td>---------------------------------------------</td>
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<tr>
<td>Spain</td>
<td>Yes. Translations may be validly filed only by a professional representative</td>
<td>3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin</td>
<td>(a) ESP 31050 plus ESP 1250 for each page of the translation in excess of the 22nd (ESP 26290 plus ESP 1000 for translations on magnetic data carrier) (b) translation is not published until the fee has been paid</td>
<td>Spanish (see column 11)</td>
</tr>
<tr>
<td>Art. 155 PL</td>
<td>Art. 8 RD 2424</td>
<td>Art. 9 RD 2424 Law No. 20/87 Law No. 38/92</td>
<td>Art. 7 RD 2424</td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>Yes. However, the translation and the fee are accepted if supplied in accordance with the regulations. The authorised professional representative before the EPO is not required to file a new authorisation.</td>
<td>3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin</td>
<td>(a) SEK 900 plus SEK 155 for each complete or incomplete page of the translation (including any drawings) in excess of the eighth (b) within period pursuant to column 2</td>
<td>Swedish; the translation must be certified by the person who made the translation and who is responsible for it</td>
</tr>
<tr>
<td>§ 71 PA</td>
<td>§ 60(1) PD</td>
<td>§ 82(1) PA § 45, 64 PD</td>
<td>§ 82(1) PA § 39a, 41 POR</td>
<td></td>
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<tr>
<td>Switzerland/ Liechtenstein</td>
<td>No, if supplied in accordance with the regulations; the authorised professional representative before the EPO is not required to file a new authorisation</td>
<td>Until the mention of the grant of the patent or the decision to maintain the patent as amended is published in the European Patent Bulletin</td>
<td>No</td>
<td>German or French or Italian (see also column 11)</td>
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<tr>
<td>Art. 13 PA</td>
<td>Art. 113(2) PA</td>
<td>Art. 113(1) PA Art. 4(1) PO</td>
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<tr>
<td>Are documents which meet the formal requirements pursuant to Rules 32 and 35(3)-(14) EPC accepted?</td>
<td>Manner and form in which the translation is made available to the public</td>
<td>Correction of translation permitted?</td>
<td>Is provision made for a special fee for correction?</td>
<td>Special features</td>
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<tr>
<td>Yes</td>
<td>Translation and any corrections published in the form of a printed patent document; Mention of the filing of the translation in “Boletín Oficial de la Propiedad Industrial”; Entry in the patent register</td>
<td>Yes</td>
<td>Yes, cf. column 3(a)</td>
<td>Translations filed by persons not having their residence or principal place of business in Spain must have been prepared by a patent attorney accredited to the ES Patent Office or by a sworn interpreter. The translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter</td>
</tr>
<tr>
<td>Arts. 9, 10, 12 RD 2424</td>
<td>Art. 12 RD 2424</td>
<td>Art. 12 RD 2424 Law No. 20/87</td>
<td>Art. 8 RD 2424</td>
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<tr>
<td>Yes</td>
<td>Mention of the filing of the translation in “Svensk Patenttidning” (Swedish Patent Bulletin); Publication of a printed patent document (and of any corrections to the translation)</td>
<td>Yes</td>
<td>Yes, cf. column 3(a)</td>
<td>The application number of the European patent application and the name and address of the applicant must accompany the translation. If the EPO maintains the patent in an amended form, the number of the European patent and the name and address of the proprietor of the patent must accompany the translation of the amended text</td>
</tr>
<tr>
<td>§ 82(2)-(3) PA</td>
<td>§ 91(1) PA Art. 63 PD</td>
<td>§ 91(1) PA § 45, 64 PD</td>
<td>§ 60(2) PD</td>
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<tr>
<td>Yes</td>
<td>Display in reading room; Copies available</td>
<td>Yes</td>
<td>No</td>
<td>The application number of the European patent application or the publication number of the European patent must be indicated when the translation is filed. Textual matter in drawings must also be translated. If as a result of opposition proceedings the European patent is maintained in an amended form, then the new translation may be wholly or partly replaced by a declaration of the extent to which the earlier translation applies also to the amended patent specification</td>
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<tr>
<td>Art. 116(4) PO</td>
<td>Art. 114 PA Art. 116(5) PO</td>
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<td>Art. 116(1)-(2) PO</td>
<td></td>
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<tr>
<td>Contracting State</td>
<td>1 Must a national representative be appointed?</td>
<td>2 Period for filing the translation</td>
<td>3 (a) Special fee payable? (b) If so, when due?</td>
<td>4 Language(s) in which the translation must be filed</td>
</tr>
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<tr>
<td>United Kingdom</td>
<td>No, but a UK address must be given (by letter or on Form 54/77 [patent] or Form 55/77 [amended patent]); the authorised professional representative before the EPO is not required to file a new authorisation</td>
<td>(i) 3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin (ii) extendible by one month under Rule 110(3) or (iii) possible longer upon request under Rule 110(4) and, if request is allowed, Rule 110(6) (see also column 11)</td>
<td>(a) (i) GBP 35 (ii) GBP 135 (iii) GBP 135 (with Form 52/77) followed by a further GBP 135 (with Form 53/77) if the request is granted.</td>
<td>English</td>
</tr>
<tr>
<td>Rule 30 PR</td>
<td>Rules 80, 110(3), 110(4), 110(6) and Schedule 4, 2 PR</td>
<td>Rule 80 and Schedule 4, 2 PR</td>
<td>Schedule to PFR</td>
<td>Sect. 77(6) PA</td>
</tr>
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</tr>
<tr>
<td><strong>Are documents which meet the formal requirements pursuant to Rules 32 and 35(3)-(14) EPC accepted?</strong></td>
<td><strong>Manner and form in which the translation is made available to the public</strong></td>
<td><strong>Correction of translation permitted?</strong></td>
<td><strong>Is provision made for a special fee for correction?</strong></td>
<td><strong>Special features</strong></td>
</tr>
<tr>
<td>Yes</td>
<td>Display in Science Reference and Information Service, London; Copies available from Patent Office; Mention in the &quot;Official Journal&quot; (Patents); Entry in the patent register</td>
<td>Yes</td>
<td>(a) GBP 35 Within 14 days from the day on which the corrected translation is filed (b) GBP 40 due at the same time as filing the corrected translation and request</td>
<td>The translation filed under sections 77(6)(a), or 77(6)(b), or 80(3) shall be verified to the satisfaction of the comptroller as corresponding to the original text of the patent specification Rule 80 and Schedule 4, 6 PR The translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter Rule 80 and Schedule 4, 1(2) PR If the translation is filed before the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin (cf. column 2), the date of such publication must be indicated</td>
</tr>
<tr>
<td></td>
<td>Sect. 77(8) PA Rule 80 and Schedule 4, 4 PR</td>
<td>Sect. 80(3), 117 PA Sections 80(3), 117 PA Rules 80, 91 and Schedule 4, 4 PR</td>
<td>Sect. 80(3), 117 PA Rules 80, 91 and Schedule 4, 4 PR</td>
<td></td>
</tr>
</tbody>
</table>
In any proceedings before the European Patent Office and in any Contracting State the text of a European patent application or a European patent in the language of the proceedings is the authentic text.

Any Contracting State may provide that a translation, as provided for in the Convention, in an official language of that State, shall in that State be regarded as authentic, except for revocation proceedings, in the event of the application or patent in the language of the translation conferring protection (Article 69 EPC) which is narrower than that conferred by it in the language of the proceedings.

Any Contracting State which adopts a provision of this kind

(a) must allow the application for or proprietor of the patent to file a corrected translation of the European patent application or European patent;

(b) may prescribe that any person who, in that State, in good faith is using or has made effective and serious preparations for using an invention the use of which would not constitute infringement of the application or patent in the original translation may, after the corrected translation takes effect, continue such use in the course of his business or for the needs thereof without payment (Article 70(4) (b) EPC).

The following table indicates which text of a European patent application or European patent is authentic in the event of translations pursuant to Articles 67(3) and 65(1) EPC being filed, and whether a State has made provision for use in good faith in the meantime as provided for in Article 70(4) (b) EPC.
<table>
<thead>
<tr>
<th>Contracting State</th>
<th>Authentic text of a European patent application or European patent</th>
<th>Has provision pursuant to Art. 70(4)(b) been made?</th>
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<tbody>
<tr>
<td>Austria</td>
<td>Translation, if protection conferred is narrower than in the language of the proceedings. § 6(1) ILPT</td>
<td>Yes § 6(6) ILPT</td>
</tr>
<tr>
<td>Belgium</td>
<td>No provisions pursuant to Art. 70(3) EPC. Authentic text is that in the language of the proceedings.</td>
<td>—</td>
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<tr>
<td>Denmark</td>
<td>Translation, if protection conferred is narrower than in the language of the proceedings. § 85(1) PA</td>
<td>Yes § 86(3) PA</td>
</tr>
<tr>
<td>France</td>
<td>Translation, if protection conferred is narrower than in the language of the proceedings. Art. L. 614-10., Law No. 92-597</td>
<td>Yes Art. L. 614-10., Law No. 92-597</td>
</tr>
<tr>
<td>Germany</td>
<td>No provisions pursuant to Art. 70(3) EPC. Authentic text is that in the language of the proceedings.</td>
<td>—</td>
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<tr>
<td>Ireland</td>
<td>Translation, if protection conferred is narrower than in the language of the proceedings. Sect. 121 PA</td>
<td>Yes Sec. 121(4) PA</td>
</tr>
<tr>
<td>Italy</td>
<td>Translation, if protection conferred is narrower than in the language of the proceedings. Art. 5(2) DPR No. 32/1979</td>
<td>Yes Art. 5(5) DPR NO. 32/1979</td>
</tr>
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<td>Liechtenstein</td>
<td>see Switzerland</td>
<td></td>
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<tr>
<td>Luxembourg¹</td>
<td>Translation, if protection conferred is narrower than in the language of the proceedings. Art. 6(1) Law of 27.5.77</td>
<td>Yes Art. 6(2) Law of 27.5.77</td>
</tr>
<tr>
<td>Monaco¹</td>
<td>Translation, if protection conferred is narrower than in the language of the proceedings. Art. 3(1) SO No. 10.427</td>
<td>Yes Art. 3(3) SO No. 10.427</td>
</tr>
<tr>
<td>Netherlands</td>
<td>No provisions pursuant to Art. 70(3) EPC. Authentic text is that in the language of the proceedings.</td>
<td>—</td>
</tr>
<tr>
<td>Portugal</td>
<td>Translation, if protection conferred is narrower than in the language of the proceedings. Art. 10 Dec. Law</td>
<td>Yes Art. 11(2) Dec. Law</td>
</tr>
<tr>
<td>Spain</td>
<td>Translation, if protection conferred is narrower than in the language of the proceedings. Art. 11 RD 2424</td>
<td>Yes Art. 12 RD 2424</td>
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<td>Sweden</td>
<td>Translation, if protection conferred is narrower than in the language of the proceedings. § 90 PA</td>
<td>Yes § 91(3) PA</td>
</tr>
<tr>
<td>Switzerland / Liechtenstein</td>
<td>Translation, if protection conferred is narrower than in the language of the proceedings. Art. 116(1) PA</td>
<td>Yes Art. 116(2), (3) PA</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Translation, if protection conferred is narrower than in the language of the proceedings. Sect. 80(2) PA</td>
<td>Yes Sec. 80(4) PA</td>
</tr>
</tbody>
</table>

¹ Contracting State requires only a translation of the claims pursuant to Art. 67(3) EPC.
Under Article 141 EPC, “national” renewal fees in respect of a European patent may be imposed for the years which follow that in which the mention of the grant of the European patent is published in the “European Patent Bulletin”. Further information on the calculation of the patent years for which “national” renewal fees are to be paid is published in Official Journal 6/1984, p. 272 f.

The following table indicates the most important national provisions and requirements to be observed when paying “national renewal fees” in respect of European patents. It takes no account of national provisions concerning reductions in renewal fees in connection with licensing rights, or of any stipulations applying to the possibilities of extending or deferring payment.

Irrespective of the information given in column 3 of the following table the minimum period referred to in Article 141(2) is decisive for all Contracting States i.e. “national” renewal fees in respect of a European patent falling due within two months of the publication of the mention of the grant of the European patent are deemed to have been validly paid if they are paid within that period. Any additional fee provided for under national law will not be charged.

Attention is particularly drawn to the fact that the fees given in Columns 1 and 3 are frequently subject to change in various Contracting States. The EPO can therefore accept no responsibility for the validity of those figures. As in the past, however, it will endeavour to report such changes as soon as possible in the Official Journal.
### VI. Payment of renewal fees

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<th>(a) Contracting State</th>
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<th>(a) Due date (in the patent year concerned)</th>
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<th>(a) Payment of renewal fees (with surcharge)</th>
<th>3</th>
<th>Period of grace for payment of fees (with surcharge)</th>
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<td><strong>Amount of fees</strong></td>
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<td><strong>(b) Time limit for payment</strong></td>
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<td><strong>(a) duration</strong></td>
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<td><strong>(b) Legal basis for levying renewal fees</strong></td>
<td></td>
<td>*<em>(without surcharge)</em></td>
<td></td>
<td><strong>(b) surcharge</strong></td>
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<td></td>
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<td><strong>(a) Austria</strong></td>
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<td><strong>(a) last day of the month in which the date of filing occurred</strong></td>
<td></td>
<td><strong>(a) fee for 1st year: beginning of 4th up to end of 12th month after due date; fees for further years: beginning of 1st up to end of 6th month after due date</strong></td>
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<tr>
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<td>§ 8 I LPT</td>
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<td><strong>(b) for the first fee to be paid: 3 months after due date; subsequent fees must be paid by due date</strong></td>
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<td><strong>(b) 20%</strong></td>
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<td></td>
<td><strong>(b) Duration</strong></td>
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<td><strong>(a) 6 months after due date</strong></td>
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<td><strong>(b) Belgium</strong></td>
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<td><strong>(b) 1 month</strong></td>
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<td><strong>(b) 20%</strong></td>
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<td>§ 8(2) ILPT</td>
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<td><strong>(b) in the event of insufficient payment, no surcharge is payable if the deficit is made good within the period for payment of the surcharge</strong></td>
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<td><strong>(b) 3rd – 10th year FRF 115</strong></td>
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<td><strong>(b) /</strong></td>
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<td><strong>11th – 20th year FRF 345</strong></td>
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<tr>
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<td><strong>(a) France</strong></td>
<td></td>
<td><strong>(a) last day of the month in which the date of filing occurred</strong></td>
<td></td>
<td><strong>(a) within 6 months after due date</strong></td>
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<td>§ 166(3) PA</td>
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<td><strong>(b) in the event of insufficient payment, no surcharge is payable if the deficit is made good within the period for payment of the surcharge</strong></td>
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<td><strong>(b) 3rd – 10th year FRF 115</strong></td>
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<td>§ 8(2) ILPT</td>
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<td><strong>(b) /</strong></td>
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<td><strong>11th – 20th year FRF 345</strong></td>
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<tr>
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<td><strong>(a) Denmark</strong></td>
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<td><strong>(a) 6 months after due date</strong></td>
<td></td>
<td><strong>(a) 6 months after due date</strong></td>
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<td>§ 2 Fees Order</td>
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<td><strong>(b) 20%</strong></td>
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<td><strong>(b) 20%</strong></td>
</tr>
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#### Amount of fees

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* For the first renewal fee to be paid see Article 141(2) EPC
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¹ For the first renewal fee to be paid see Article 141(2) EPC

¹ The German Patent Office allots European patents a national patent number, which must be quoted when payments are made and in any communication with this Office.
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<td>Art. 13 DPr No. 32/1979 Art. 93 PL</td>
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* For the first renewal fee to be paid see Article 141(2) EPC

* The provisions of Article 15(3) PL, relating only to national patents do not apply to the period for payment of the surcharge.
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* For the first renewal fee to be paid see Article 141(2) EPC.

1 The amounts shown in brackets apply to fees due as from 1 January 1994.
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<thead>
<tr>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication of a reminder in cases of non-payment (a) provided for (b) date of despatch</td>
<td>Restitutio in integrum (a) provided for (b) time limit for submitting application</td>
<td>Appointment of a national representative for (a) payment of fees (b) communication of a reminder of non-payment (c) proceedings in respect of restitutio in integrum</td>
<td>Information regarding lapse of patent in cases of non-payment of renewal fees</td>
</tr>
<tr>
<td>(a) no</td>
<td>(a) yes</td>
<td>(a) yes</td>
<td>- entry in Register of Patents - publication in &quot;Boletin Oficial de la Propiedad Industrial&quot;</td>
</tr>
<tr>
<td></td>
<td>(b) within 6 months after publication in the &quot;Boletin Oficial de la Propiedad Industrial&quot; of the lapse of patent</td>
<td>(b) no, but an address for service in Sweden must be given</td>
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<td></td>
<td></td>
<td>(c) yes</td>
<td></td>
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<tr>
<td></td>
<td>Art. 117 PL</td>
<td></td>
<td>Art. 49 RD 2245</td>
</tr>
<tr>
<td>(a) yes, but not mandatory (b) approx. 1 month after due date</td>
<td>(a) yes</td>
<td>(a) +( b) no, but an address for service in Switzerland/Liechtenstein must be given</td>
<td>- publication in Patent Bulletin - entry in Register of Patents</td>
</tr>
<tr>
<td></td>
<td>(b) 2 months after removal of obstacle; not later than 6 months from expiry of period of grace under column 3</td>
<td>(b) no, but an address for service in Switzerland/Liechtenstein must be given</td>
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<td></td>
<td></td>
<td>(c) yes</td>
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<tr>
<td></td>
<td>§ 72 PA</td>
<td>§ 72 PA</td>
<td>§ 51 PA § 42 PD</td>
</tr>
<tr>
<td>(a) yes, but requests for payment are not send abroad (b) approx. 10 weeks before expiry of period of grace; requests are not sent abroad</td>
<td>(a) yes</td>
<td>(a) no</td>
<td>- communication to proprietor of patent - entry in Register of Patents - publication in Patent Bulletin</td>
</tr>
<tr>
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<td>(b) 2 months after removal of obstacle; not later than one year from expiry of the non-observed time limit</td>
<td>(b) no, but an address for service in the United Kingdom must be given</td>
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<td></td>
<td></td>
<td>(c) yes</td>
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<tr>
<td></td>
<td>Art. 18 PO</td>
<td>Art. 13 PA Art. 18 PO</td>
<td>Art. 15 PA</td>
</tr>
<tr>
<td>(a) yes, but requests for payment are not send abroad (b) within 6 weeks after the due date</td>
<td>(a) yes</td>
<td>(a) no</td>
<td>- communication to applicant (notice of expiry) - entry in Register of Patents - Publication in the &quot;Official Journal (Patents)&quot;</td>
</tr>
<tr>
<td></td>
<td>(b) within 19 months from the date on which the patent ceased to have effect</td>
<td>(b) + (c) no, but an address for service in the United Kingdom must be given</td>
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<td></td>
<td>Sect. 25(5) PA Rule 39(4) PR</td>
<td>Sect. 28 PA Rule 41 PR</td>
<td>R 30 PR (see also Rule 45 PR)</td>
</tr>
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<td></td>
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<td></td>
<td>Rule 42 PR Sect. 32(2) PA Rule 48 PR and Rule 6 PR 1992 Sect. 123(6) PA</td>
</tr>
</tbody>
</table>
Conversion of European patent applications or patents into national patent applications or patents

VII.

1. Basis for conversion
Under Article 135(1) EPC, the central industrial property office of a designated Contracting State may apply the procedure for the grant of a national patent at the request of the applicant for or proprietor of a European patent, in the following circumstances:

(a) where the application is deemed to be withdrawn pursuant to Article 77(5) (delay by national authorities in forwarding the European application) or Article 162(4) (European patent application cannot be processed as a result of the procedure being restricted to certain areas of technology)1;
(b) in such other cases as are provided for by the national law in which the European patent application is refused or withdrawn or deemed to be withdrawn, or the European patent is revoked under the EPC.

2. Time limit for filing the request for conversion
The request for conversion must be filed within three months after the date on which
(a) the European patent application has been withdrawn or
(b) a communication has been notified that the application is deemed to be withdrawn, or
(c) a decision has been notified refusing the application or revoking the European patent.

The equivalence of the European patent to a regular national filing lapses if the request is not filed in due time (Article 135(2) EPC).

3. Submission of the request for conversion
(a) Unless the European patent application is deemed to be withdrawn pursuant to Article 77(5) EPC, the request for conversion must be filed with the European Patent Office. It is not deemed to be filed until the conversion fee of DEM 100 (or the equivalent in other currencies pursuant to Article 6(4) of the Rules relating to Fees) has been paid to the Office (Article 136(1) EPC).
(b) If the applicant has been notified that the European patent application is deemed to be withdrawn pursuant to Article 77(5) EPC, the request must be filed with the central industrial property office with which the application was filed (Article 136(2) EPC).

4. Transmission of the request
(a) The requests for conversion which must be filed with the European Patent Office (cf. 3(a) above) are transmitted by the Office to the central industrial property offices of the Contracting States specified therein, accompanied by a copy of the files relating to the European patent application or the European patent (Article 136(1) EPC).
(b) Where the request for conversion has to be filed with a national patent office (cf. 3(b) above), that Office, subject to the provisions of national security, transmits the request, together with a copy of the European patent application, directly to the central industrial property offices of the Contracting States specified by the applicant in the request. The effect referred to in Article 86 EPC (i.e. equivalence of the European patent application to a regular national filing in the Contracting States designated) lapses if the request for conversion is not transmitted within twenty months after the date of filing or date of priority (Article 136(2) EPC).

5. Explanatory notes concerning the table
The table below indicates the basis for conversion under the national law of all the Contracting States to the EPC and contains useful information regarding the formal requirements of the competent national authorities, the time limits involved and regulations concerning representation or addresses for service if the applicant or his representative before the EPO has neither a residence nor his principal place of business in the Contracting States in question.

All European patent applications transmitted pursuant to Article 136 EPC are governed by Article 137(1) EPC, which lays down that these applications may not be subjected to formal requirements of national law which are different from or additional to those provided for in the EPC.

The translation referred to in the table should be understood to mean a translation of the original text of the European patent application and, where appropriate, of the text, as amended during proceedings before the EPO, which the applicant wishes to submit to the national procedure (Article 137(2) (b) EPC).

1 Article 162(4) is irrelevant to applications filed since 1 December 1979 (OJ EPO 1979, 443). This reason for conversion is therefore not included in the table.
<table>
<thead>
<tr>
<th>Converting State</th>
<th>Basis for conversion</th>
<th>Procedural steps to be taken</th>
<th>Time limit for taking procedural steps referred to in column 2</th>
<th>Must a national representative be appointed?</th>
<th>Special features</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>Deemed withdrawal pursuant to Art. 77(5) EPC</td>
<td>(a) Payment of the filing fee (ATS 700; if applicable ATS 700 for each priority claimed) The request for conversion is liable to a stamp duty of ATS 120. Stamp duty of ATS 30 is payable for each page of enclosure. (b) Filing, in duplicate, of a German translation (c) Appointment of a national professional representative (patent agent or lawyer), if the applicant has neither a residence nor his principal place of business in Austria</td>
<td>(a) + (b) 3 months after a request by the Austrian Patent Office; (c) If the procedural steps referred to in column 2(a) and (b) are taken by a representative, then they are valid only if he supplies an authorisation within the time limit set by the Austrian Patent Office or refers to a granted authorisation</td>
<td>All procedural steps connected with the conversion must be taken by an Austrian patent agent or lawyer</td>
<td>§ 9(1) ILPT</td>
</tr>
<tr>
<td>Belgium</td>
<td>Deemed withdrawal pursuant to Art. 77(5) EPC</td>
<td>(a) Payment of: (aa) national filing fee (BEF 2000); (ab) stamp duty - for the duplicate of - -- the description (BEF 90) - -- the claims (BEF 90) - -- each sheet of the drawings (BEF 90) - for the patent certificate (BEF 90) (b) Filing, in triplicate, of a translation of the patent application including the abstract and, as the case may be, of the drawings accompanying the description and, if any, the abstract (c) Any renewal fees due</td>
<td>3 months after receipt by OPRI of the request for conversion</td>
<td>The procedural steps referred to in column 2 must be taken by a professional representative before the OPRI or by a legal practitioner</td>
<td>Art. 8 Law of 8.7.77; Art. 10 RD of 27.2.81; DR of 26.6.47 (cf. also table VIII, column 3)</td>
</tr>
</tbody>
</table>
### VII. Conversion of European patent applications

<table>
<thead>
<tr>
<th>Contracting State</th>
<th>1 Basis for conversion</th>
<th>2 Procedural steps to be taken</th>
<th>3 Time limit for taking procedural steps referred to in column 2</th>
<th>4 Must a national representative be appointed?</th>
<th>5 Special features</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denmark</td>
<td>Deemed withdrawal pursuant to Art. 77(5) EPC</td>
<td>(a) Payment of the filing fee (DKK 3250 + DKK 300 for the 11th and each subsequent claim); (b) Filing, in duplicate of a Danish translation; (c) Appointment of a national representative, if the applicant has neither a residence nor his principal place of business in Denmark</td>
<td>(a) + (b): within 3 months of the DPO's notifying the applicant of the receipt of the request for conversion</td>
<td>The procedural steps referred to in column 2(a) and (b) may be taken by the applicant or his representative before the EPO. All subsequent procedural steps must be taken by a national representative</td>
<td>If the European patent application was filed with another national authority, the request for conversion must be received by the DPO within 20 months of the date of filing or priority</td>
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<td>§ 88 PA</td>
<td>§ 110 PO</td>
<td>§ 12 PA</td>
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<tr>
<td>France</td>
<td>Deemed withdrawal pursuant to Art. 77(5) EPC</td>
<td>(a) Payment of national filing fee (FRF 250 + FRF 115 for the 11th and each subsequent claim); - the fee for a report on the state of the art (FRF 4200), unless the applicant has requested deferral of the report; (b) Filing, in triplicate, of a French translation; (c) Appointment of a national representative, if the applicant has neither a residence nor his principal place of business in France</td>
<td>2 months after publication in BOPI of a notice regarding the conversion. Where patent applications may not be published: 2 months from the receipt by INPI of the request for conversion except the fee for a report on the state of the art which is due within six months from the end of the measures of prohibition</td>
<td>Not required for procedural steps (a) to (b) in column 2; an authorised professional representative before the EPO is not required to file a new authorisation. All subsequent procedural steps must be taken by a national representative</td>
<td>The request for conversion may be filed either with the Patent Office (INPI) in Paris or with the branch offices in Bordeaux, Lyon, Marseille, Nancy, Nice, Sophia Antipolis, Rennes and Strasbourg. Subject to national security legislation, INPI publishes in BOPI a notice regarding the conversion within one month of receiving the request for conversion. INPI charges a fee of FRF 165 + FRF 5 per page and copy for producing copies of the European application and transmitting them to the designated States; cf. Art. 15, Dec. No. 1990-1011 re payment of renewal fees</td>
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<td>§ 110 PO (2) PO</td>
<td>§ 88(1) PA</td>
<td>§ 12 PA</td>
</tr>
<tr>
<td>Contracting State</td>
<td>1 Basis for conversion</td>
<td>2 Procedural steps to be taken</td>
<td>3 Time limit for taking procedural steps referred to in column 2</td>
<td>4 Must a national representative be appointed?</td>
<td>5 Special features</td>
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<tr>
<td><strong>Germany</strong></td>
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<td>(a) Payment of national filing fee (DEM 100); (b) Filing, in duplicate, of a German translation of the patent application (c) Filing of the designation of the inventor, if not indicated in the European application</td>
<td>(a) 2 months after notification of a request by the German Patent Office Art. II, § 9(1) LIPC (b) 3 months after notification of above request</td>
<td>Not required for procedural steps referred to in column 2; an authorised professional representative before the EPO is not required to file a new authorisation. All subsequent procedural steps must be taken by a national representative</td>
<td>§ 25 PA</td>
</tr>
<tr>
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<td>Art. II, § 9(1) LIPC</td>
<td>Art. II, § 9(1) and (2) LIPC § 37 PA</td>
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<tr>
<td><strong>Greece</strong></td>
<td></td>
<td>(a) Payment of the filing fee (GRD 22500); (b) Filing, in duplicate, of a Greek translation of the patent application</td>
<td>(a) Proof of payment must be submitted together with the request for conversion (b) 4 months after receipt by the OBI of the request for conversion</td>
<td>The procedural steps referred to in column 2 must be taken by the applicant or by a Greek legal practitioner</td>
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<tr>
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<td></td>
<td>Art. 23(10)(f) Law No. 1733/87 Art. 20 Pres. Dec. No. 77/88</td>
<td>Art. 21(1) and (2) Pres. Dec. No. 77/88 Art. 21(1) Decision of 18.11.92</td>
<td></td>
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</tr>
<tr>
<td><strong>Ireland</strong></td>
<td></td>
<td>(a) request for conversion (b) payment of the conversion fee (IEP 25) and of the filing fee (IEP 117) (c) Filing, in duplicate, of an English translation of the patent application and any amendments previously made (d) designation of the inventor or indication of the applicant’s right to be granted the patent</td>
<td>(b) to (d) 2 months from receipt by the Controller of the request for conversion or, where the European patent application was not filed at the IPO, within 2 months from date of notification by the Controller to the applicant of receipt of a request from the Central Industrial Property Office of another Contracting State where the European patent application was filed</td>
<td>yes, if the applicant is not resident or does not have his principal place of business in Ireland</td>
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<tr>
<td></td>
<td></td>
<td>Sect. 122(1) PA Rule 86 PR</td>
<td>Sect. 17(2), 122(2) PA Rule 86(1) and Schedule 1 PR</td>
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</tbody>
</table>

As regards the legal device known as “derivation” (“Abzweigung”) of an application for a utility model from a European patent application, see OJ EPO 1987, 175.
## VII. Conversion of European patent applications

<table>
<thead>
<tr>
<th>Contracting State</th>
<th>1 Basis for conversion</th>
<th>2 Procedural steps to be taken</th>
<th>3 Time limit for taking procedural steps referred to in column 2</th>
<th>4 Must a national representative be appointed?</th>
<th>5 Special features</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Italy</strong></td>
<td>Deemed withdrawal pursuant to Art. 77(5) EPC; Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings pursuant to Art. 14(2) EPC was not filed in time (cf. column 5)</td>
<td>(a) Request for conversion on stamped paper (ITL 10000)</td>
<td>(b) to (c): In response to a request by the Italian Patent Office giving at least 2 months for compliance</td>
<td>Not required for procedural steps referred to in column 2; an authorised professional representative before the EPO is not required to file a new authorisation. However, an address for service in Italy must be given</td>
<td>re column 2(d): The Italian Patent Office first requires the applicant to give an address for service; only then does it dispatch the request referred to in column 3. In the cases indicated in column 1 the granting of a utility model may be applied for at the same time as conversion of the European patent application (Art. 6(3), DPR No. 32/1979). European patent applications refused by the EPO, withdrawn or deemed to be withdrawn may be converted into a national application for registration of a utility model. The same applies to European patents revoked for Italy</td>
</tr>
<tr>
<td>Art. 6</td>
<td>DPR No. 32/1979</td>
<td>Art. 7(2) DPR No. 32/1979</td>
<td>Art. 7(2) DPR No. 32/1979</td>
<td></td>
<td>Art. 6(2) DPR No. 32/1979 Art. 8 Law No. 60</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>see Switzerland</td>
<td></td>
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<tr>
<td><strong>Luxembourg</strong></td>
<td>Deemed withdrawal pursuant to Art. 77(5) EPC</td>
<td>(a) Payment of</td>
<td>3 months after a request by the Luxembourg Patent Office</td>
<td>The procedural steps (other than fee payments) referred to in column 2 must be taken by a representative entitled to practise in Luxembourg</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>- the filing fee (LUF/BEF 100);</td>
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<td>Arts. 9 and 9th PL</td>
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<td></td>
<td></td>
<td>- 1st renewal fee (LUF/BEF 700) and of further renewal fees due on the date of receipt of the request for conversion</td>
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<td>- the publication fee (LUF/BEF 175);</td>
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<td>(b) Filing, in triplicate, of a German or French translation;</td>
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<td></td>
<td>(c) Appointment of a national representative, if the applicant has neither a residence nor his principal place of business in the Grand Duchy</td>
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</tr>
<tr>
<td>Art. 11</td>
<td>Law of 27.5.77</td>
<td>Art. 13 Law of 27.5.77</td>
<td>Art. 13 Law of 27.5.77</td>
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<tr>
<td>Contracting State</td>
<td>1 Basis for conversion</td>
<td>2 Procedural steps to be taken</td>
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</tbody>
</table>
| **Monaco**        | Deemed withdrawal pursuant to Art. 77(5) EPC | (a) Payment of - national filing fee (230 FRF); - a fee for multiple priority claimed (90 FRF for the second and any additional priority) (b) Filing of a French translation | (a) + (b) 3 months after receipt by the applicant of the communication for conversion. An additional time limit of 1 month from date of notification by the MC-Patent Office will be granted subject to a 20% surcharge on the amounts due. | The procedural steps referred to in column 2 may be taken by the applicant or his representative before the EPO. | A certification of the translation referred to in column 2(b) must be filed if required by the Netherlands Patent Office |}
|                   | Art. 6 SO No. 10.427 | SO (Fees) | Art. 3 MD | | |
| **Netherlands**   | Deemed withdrawal pursuant to Art. 77(5) EPC | (a) Payment of the national filing fee (NLG 280 + NLG 6.50 per page of the abstract, description and drawings); (b) Filing, in triplicate, of a Dutch translation; (c) Appointment of a national representative, if the applicant has neither a residence nor his principal place of business in the Netherlands | (a) and (b) 3 months after receipt of the request for conversion; (c) 4 months after a request by the Netherlands Patent Office | The procedural steps referred to in column 2(a) and (b) may be taken by the applicant or his national representative | In the cases indicated in column 1 the European patent application may be converted into a national application for a utility model. The same applies to European applications refused by the EPO, withdrawn or deemed to be withdrawn. |}
|                   | Art. 29 H PA | Art. 29 I (3) PA | Art. 29 I (3) PA | Art. 22 A(4) PA | Art. 29 I (3) PA | |}
<p>| <strong>Portugal</strong>      | Deemed withdrawal pursuant to Art. 77(5) EPC; Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings pursuant to Art. 14(2) EPC was not filed in time. | (a) Payment of the presentation fee (PTE 500), the filing fee (PTE 5000), the publication fee (PTE 6000); (b) Filing of a Portuguese translation of the patent application (c) Appointment of a national representative, if the applicant has neither a residence nor principal place of business in Portugal | (a) + (b); two months after receipt by INPI of the request for conversion | The procedural steps referred to in column 2 must be taken by a professional representative | | |</p>
<table>
<thead>
<tr>
<th>Contracting State</th>
<th>Basis for conversion</th>
<th>Procedural steps to be taken</th>
<th>Time limit for taking procedural steps referred to in column 2</th>
<th>Must a national representative be appointed?</th>
<th>Special features</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>Deemed withdrawal pursuant to Art. 77(5) EPC; Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings pursuant to Art. 14(2) EPC was not filed in time (see also column 5)</td>
<td>(a) Payment of - filing fee (ESP 7950) - fee for each foreign priority (EPS 2390) - any renewal fees due (b) Filing, in triplicate, of a Spanish translation of the patent application (c) Appointment of a national representative, if the applicant has neither a residence nor his principal place of business in Spain</td>
<td>(a), (b), (c) 2 months after receipt by the Spanish Patent Office of the request for conversion</td>
<td>The procedural steps referred to in column 2(a) and (b) may be taken by the applicant or his representative before the EPO; an authorised professional representative before the EPO is not required to file a new authorisation. All subsequent procedural steps must be taken by a national representative</td>
<td>In the cases indicated in column 1 the European patent application may be converted into a national application for a utility model. The same applies to European applications refused by the EPO, withdrawn or deemed to be withdrawn.</td>
</tr>
<tr>
<td>Sweden</td>
<td>Deemed withdrawal pursuant to Art. 77(5) EPC</td>
<td>(a) Payment of filing fee (SEK 1600 + SEK 100) for the 11th and each subsequent claim); (b) Filing, in duplicate, of a Swedish translation; (c) Appointment of a national representative, if the applicant has neither a residence nor his principal place of business in Sweden</td>
<td>(a) and (b) 3 months after acknowledgement by the Swedish Patent Office of receipt of the request for conversion; § 66(1) PD (c) As soon as possible after filing of the request for conversion</td>
<td>The procedural steps referred to in column 2(a) and (b) may be taken by the applicant or his representative before the EPO. All subsequent procedural steps must be taken by a national representative</td>
<td>If the European patent application was filed with another national authority, the request for conversion must be received by the Swedish Patent Office within 20 months of the date of filing or priority</td>
</tr>
<tr>
<td>Contracting State</td>
<td>Basis for conversion</td>
<td>Procedural steps to be taken</td>
<td>Time limit for taking procedural steps referred to in column 2</td>
<td>Must a national representative be appointed?</td>
<td>Special features</td>
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<tr>
<td>Switzerland/ Liechtenstein</td>
<td>Deemed withdrawal pursuant to Art. 77(5) EPC; Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings pursuant to Art. 14(2) EPC was not filed in time (for applications filed in Italian); Withdrawal or refusal of the application or revocation of the patent for Switzerland/ Liechtenstein where the EPO finds that it does not meet the requirements of Art. 54(3) and (4) EPC</td>
<td>(a) Payment of national filing fee (CHF 100 + CHF 40 for the 11th and each subsequent claim); (b) Filing of a single copy of a translation in one of Switzerland’s official languages; (c) Appointment of a national representative if the applicant has neither a residence nor his principal place of business in Switzerland or Liechtenstein; (d) Payment of renewal fees already due</td>
<td>(a) to (c): 2 months from a request by FIPO; (d) 6 months from a request by FIPO (surcharge payable from 4th month)</td>
<td>The procedural steps referred to in column 2(a), (b) and (d) may be taken by the applicant or his representative before the EPO; an authorised professional representative before the EPO is not required to file a new authorisation. All subsequent procedural steps must be taken by a national representative.</td>
<td>(a) Payment of national filing fee (CHF 100 + CHF 40 for the 11th and each subsequent claim); (b) Filing of a single copy of a translation in one of Switzerland’s official languages; (c) Appointment of a national representative if the applicant has neither a residence nor his principal place of business in Switzerland or Liechtenstein; (d) Payment of renewal fees already due</td>
</tr>
<tr>
<td>Contracting State</td>
<td>1 Basis for conversion</td>
<td>2 Procedural steps to be taken</td>
<td>3 Time limit for taking procedural steps referred to in column 2</td>
<td>4 Must a national representative be appointed?</td>
<td>5 Special features</td>
</tr>
<tr>
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</tr>
<tr>
<td>United Kingdom</td>
<td>Deemed withdrawal pursuant to Art. 77(5) EPC</td>
<td>(a) request for conversion (Form 41/77) only if the UK Patent Office is the receiving Office; (b) filing fee upon conversion of GBP 25 (Form 40/77); (c) fee of GBP 130 for preliminary examination and search (Form 9/77); (d) statement of inventorship and of right to grant (Form 7/77); (e) an English translation in duplicate.</td>
<td>- If the UK Patent Office is the receiving Office: (a) 3 months from date of notification to the applicant by the EPO that application is deemed to be withdrawn (b) to (e) 2 months from receipt of the request for conversion (Form 41/77) extendible by one month (Rule 110(3)) or possibly longer on request under Rule 110(4) and, if request is allowed, Rule 110(6).</td>
<td>The procedural steps referred to in column 2 may be taken by the applicant or any representative appointed by the applicant. An address within the UK must be provided, to which all correspondence will be sent. Authorisation will not normally be required except where there is a change of national representative after the proceedings before the UK Patent Office have begun or where a representative is appointed after the applicant has started proceedings himself, in which case Form 51/77 in duplicate is required.</td>
<td></td>
</tr>
<tr>
<td>Sect. 81(1)(b) PA</td>
<td>Sect. 81(2) PA; Rules 81 and 82 PR Schedule PFR</td>
<td>Rules 81(2), 82(2), 110(3), 110(4), 110(6) PR</td>
<td>Rules 30, 90 PR</td>
<td>Rules 16(1), 110(3), 110(4), 110(6) PR Schedule PFR</td>
<td></td>
</tr>
</tbody>
</table>
A number of “national fees” are payable to the patent authorities of the Contracting States in connection with the provisions of the EPC (see Tables II, III, IV, VI, VII).

The purpose of the following Table is to facilitate these fee payments by setting out some useful information regarding national legal provisions, accounts held by patent authorities, permissible methods of payment and date considered as the effective payment date.

There is no special mention of common principles and practice governing payment transactions, such as the requirement to state the name of the person making payment and the purpose of the payment and to specify the patent application number or publication number.

References to banks, post offices or postal giro offices denote only the relevant institution or office within the territory of the Contracting State in question.

When making payments, allowance should be made for charges which may be levied by banks, especially on incoming foreign transfers, and which it is not the responsibility of the national patent authorities to pay.
<table>
<thead>
<tr>
<th>Contracting State</th>
<th>1 National provisions</th>
<th>2 Accounts</th>
<th>3 Methods of payment</th>
<th>4 Date considered as the effective payment date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>RPT</td>
<td>Österreichisches Patentamt 1014 Wien Postscheckkonto 5.160.000</td>
<td>(a) payment to the Giro account (b) transfer to the Giro account</td>
<td>re 3(a) date of inpayment at an Austrian post office or the Austrian “Postsparkasse” re 3(b) date on which credited to the Patent Office Giro account indicated in column 2</td>
</tr>
<tr>
<td>Belgium</td>
<td>RD (Fees)</td>
<td>Office de la propriété industrielle auprès du Ministère des affaires économiques 1040 Bruxelles Compte de chèques postaux n° 000-2005880-17</td>
<td>(a) cash payment (b) payment to Giro account (c) postal money order (mandat poste) (d) transfer to Giro account (e) payment order (“par assignation”) (f) bank/postal cheque (g) international money order (h) debiting a deposit account Persons not having either a residence or their principal place of business in Belgium must make payments via a professional representative before the OPRI or via a legal practitioner</td>
<td>re (a) date of payment at OPRI re (b) and (c) date marked by postal date stamp on payment form or money order (in the case of money orders sent direct to the postal giro office, the relevant date is as indicated in “re (d)”) re (d) date on which credited to the Giro account indicated in column 2 re (e) date on which drawer’s account is debited by the postal giro office re (f) and (g) date of receipt at OPRI re (h) date of receipt of the debit order at OPRI Arts. 4, 5, 8 RD of 18.12.86</td>
</tr>
<tr>
<td>Denmark</td>
<td>PA Order on patent fees</td>
<td>Patentdirektoratet Postgiro 4 02 05 53</td>
<td>(a) cash payment (b) postal money order (c) cheque drawn on a Danish bank and made payable to the DPO in Danish currency (d) (cabled) transfer to a Danish bank in favour of the giro account indicated in column 2</td>
<td>re 3(a) date of receipt of payment at the DPO re 3(b) date on which money order is handed in at a Danish post office re 3(c) date of receipt of the cheque at the DPO re 3(d) date on which the amount of the fee is credited to the giro account indicated in column 2</td>
</tr>
<tr>
<td>France</td>
<td>Dec. No. 79-822 Dec. No. 81-599 Fees Ord. of 28.12.92</td>
<td>Au nom de l’Agent comptable de l’Institut national de la propriété industrielle</td>
<td>(a) cash payment (b) postal cheque (c) bank cheque (d) postal money order (mandat-lettre) (e) postal money order (mandat-carte)</td>
<td>re (a) date of payment at INPI re (b) - d if forwarded by post: date of posting (postmark) if delivered by hand: date of receipt at INPI re (e) date on which postal money order is issued (as stamped by post office)</td>
</tr>
</tbody>
</table>

Art. 5 Fees Ord. of 28.12.92
<table>
<thead>
<tr>
<th>Contracting State</th>
<th>1 National provisions</th>
<th>2 Accounts</th>
<th>3 Methods of payment</th>
<th>4 Date considered as the effective payment date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>LPF RFP</td>
<td>Deutsches Patentamt AGB POSTBANK München 79 191 – 803 (BLZ 700 100 80) Landeszentralbank München 70001054 (BLZ 700 000 00)</td>
<td>(a) Delivery or remittance to the DPA cash office in Munich or Berlin of: - fees vouchers - cheques drawn on a banking establishment in Germany - debit orders (Form V 1244) for a special account with Dresdner Bank AG Munich (b) transfer (c) cash deposit with deposit slip at the Postbank or any other bank or savings bank into an account held by the DPA cash office in Munich or Berlin (d) cash payment § 1 RFP</td>
<td>re 3(a) date of receipt of the payment at DPA. In the case of cheques or debit orders: only if the sum is paid on presentation re 3(b) date on which payment is credited to one of the accounts held by the DPA cash office re 3(c) date of inpayment re 3(d) date of receipt at DPA cash office in Munich or Berlin § 3 RFP</td>
</tr>
<tr>
<td>Greece</td>
<td>Decision of 18.11.92</td>
<td>OBI Organismos Biomichanikis Idoktitissias Credit Bank Maroussi Branch 64 Kifissias Avenue GR-15125 Athens account no. 146002786001753</td>
<td>(a) cash payment (b) bank or postal cheque made out to the order of the OBI (c) transfer order to the Credit Bank</td>
<td>re (a) date of receipt of the payment at the OBI's cash office re (b) date of receipt of the cheque at the OBI's cash office re (c) date on which amount is credited to the account with Credit Bank Art. 4(1) Decision of 14.12.87 Art. 4(2) Decision of 14.12.87</td>
</tr>
<tr>
<td>Ireland</td>
<td>PA PR</td>
<td>-</td>
<td>Fees must be paid in IEP. (a) cash payment if not exceeding IEP 50 and paid at the IPO (b) cheque payable to The Minister for Enterprise and Employment crossed &quot;and Co.&quot;, guaranteed to the satisfaction of the Controller, and drawn on any bank carrying on business in Ireland Payment by a person outside Ireland (c) bankers draft or (d) Post Office money order payable to The Minister for Enterprise and Employment crossed &quot;and Co.&quot;</td>
<td>re 3(a) date of payment at IPO re 3(b) to (d) date of receipt at IPO</td>
</tr>
<tr>
<td>Italy</td>
<td>Decision of 20.8.92</td>
<td>(a) renewal fees for European patents: c/c n. 81016008 Ufficio del Registro Affitti e Tasse sulle Concessioni governative Roma, per imposta brevetti europei (b) other fees: c/c n. 00668004 Ufficio del Registro Concessioni governative Roma</td>
<td>Payment at any Italian post office using the prescribed form (Ch 8 quater). The payment voucher (Section 4) has to be presented to the Italian Patent Office. The purpose of the payment has to be stated on the reverse of Sections 1 and 4. In the case of payments from abroad, the IT Patent Office also accepts international postal giro transfers provided a supplement of ITL 1000 is included to cover postal giro charges</td>
<td>date of impayment at an Italian post office (date stamp); the date stamped by the post office also applies if payment is made through a bank; in this case the bank should be instructed to send the payment voucher to the IT Patent Office</td>
</tr>
<tr>
<td>Contracting State</td>
<td>1 National provisions</td>
<td>2 Accounts</td>
<td>3 Methods of payment</td>
<td>4 Date considered as the effective payment date</td>
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<tr>
<td>Liechtenstein</td>
<td>see Switzerland</td>
<td></td>
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<tr>
<td>Luxembourg</td>
<td>PL (Article 8)</td>
<td>Administration de l'Enregistrement et des Domaines, Bureau des successions et de la taxe d'abonnement, Bureau des chèques postaux Luxembourg compte n° 24373-26, Caisse d'Epargne de l'Etat Luxembourg compte n° 1002/4423-5</td>
<td>(a) cash payment (b) postal money order (c) bank cheque (d) bank or post office transfer or payment</td>
<td>re 3(a) and (b) date on which the amount is entered in the accounts by the competent payments officer of the “Administration de l'Enregistrement et des Domaines” re 3(c) date of receipt of the cheque by the competent payments officer, only if sum is paid on presentation re 3(d) date on which amount is credited to one of the accounts indicated in column 2</td>
</tr>
<tr>
<td>Monaco</td>
<td>PA SO No. 1476</td>
<td>Trésorerie Générale des Finances (TGF) Référence: rubrique 012104 DCIPI – Service de la Propriété Industrielle – Place du Palais Monaco-Ville Crédit Foncier de Monaco 11, Boulevard Albert 1er MC-98000 Monaco account no. 0041205402 Y Clérib 78 Code banque 12739 – Code guichet 00070</td>
<td>(a) cash payment (b) bank cheque or postal cheque (c) bank transfer</td>
<td>re 3(a) date of receipt of the payment at the MC-Patent Office re 3(b) date of receipt at the MC-Patent Office; the date marked by postal date stamp will be considered as proof re 3(c) date on which the amount is credited to the account</td>
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<td>SO No. 10.427</td>
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<td>SO (Fees)</td>
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<tr>
<td>Netherlands</td>
<td>PA PR</td>
<td>Postbankrekening 17300 Octrooiraad, Rijswijk</td>
<td>(a) cash payment (b) transfer or payment to the Postbank account (c) cheque made out in NLG (d) debit from a deposit account with the Octrooiraad</td>
<td>re 3(a) and 3(c) date of receipt of the payment or cheque at the Octrooiraad re 3(b) date on which credited to the Postbank account indicated in column 2 re 3(d) date of receipt of debit order</td>
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<tr>
<td>Portugal</td>
<td>Fees Ord. No. 599/91</td>
<td></td>
<td>(a) cash payment (b) cheque via a Portuguese representative</td>
<td>date of receipt of payment at INPI</td>
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<tr>
<td>Contracting State</td>
<td>1 National provisions</td>
<td>2 Accounts</td>
<td>3 Methods of payment</td>
<td>4 Date considered as the effective payment date</td>
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<tr>
<td>Spain</td>
<td>Law 17/1975</td>
<td>Oficina Española de Patentes y Marcas E-28036 Madrid &lt;br&gt;Caja Postal de Ahorros 6474376 – 9091.0 Industria, Paseo de la Castellana, nº 160</td>
<td>(a) transfer to the Giro account  &lt;br&gt;(b) certified cheque which is made payable to the ES Patent Office  &lt;br&gt;(c) postal money order (giro postal)  &lt;br&gt;Persons not having either a residence or their principal place of business in Spain must make payments via a professional national representative</td>
<td>re 3(a) date on which credited to the account indicated in column 2  &lt;br&gt;re 3(b) date of receipt of the cheque at ES Patent Office  &lt;br&gt;re 3(c) date of inpayment at an ES post office</td>
</tr>
<tr>
<td>Sweden</td>
<td>PA PD</td>
<td>Patent- och registreringsverket Postgiro 15684-4</td>
<td>(a) cash payment  &lt;br&gt;(b) postal money order  &lt;br&gt;(c) cheque drawn on a Swedish bank and made payable to the SE Patent Office in Swedish currency  &lt;br&gt;(d) (cabled) transfer to a Swedish bank in favour of the Giro account indicated in column 2</td>
<td>re 3(a) date of receipt of payment at SE Patent Office  &lt;br&gt;re 3(b) date handed in at a SE post office  &lt;br&gt;re 3(c) date of receipt of the cheque at the SE Patent Office  &lt;br&gt;re 3(d) date on which the amount of the fee is credited to the Giro account indicated in column 2</td>
</tr>
<tr>
<td>Switzerland</td>
<td>see page 88</td>
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<tr>
<td>Liechtenstein</td>
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<tr>
<td>United Kingdom</td>
<td>PA PR</td>
<td>Bank of England, Drawing Office, Threadneedle Street London EC2R 8 AH (Patent Office Account 25011006¹, Sorting Code 100000)</td>
<td>(a) cash payment  &lt;br&gt;(b) money order  &lt;br&gt;(c) bank transfer  &lt;br&gt;(d) delivery or remittance of bank cheques  &lt;br&gt;(e) in the case of fax filings, by debit to client deposit account held by Patent office  &lt;br&gt;The application/renewal documents relating to the payment of fees should be supported by a Fees Sheet (form FS/1) or equivalent form listing individual fees. A reference (eg patent or deposit account number) should be quoted to link payment with any forms sent separately.</td>
<td>re 3(a) date of payment at UK Patent Office  &lt;br&gt;re 3(b) and (d) date of receipt at UK Patent Office  &lt;br&gt;re 3(c) date on which credited to the account indicated in column 2  &lt;br&gt;re 3(e) date on which deposit account is debited</td>
</tr>
</tbody>
</table>

¹ Bank transfers only
<table>
<thead>
<tr>
<th>Contracting State</th>
<th>1 National provisions</th>
<th>2 Accounts</th>
<th>3 Methods of payment</th>
<th>4 Date considered as the effective payment date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Switzerland/ Liechtenstein</td>
<td>Fees Reg.</td>
<td>Bundesamt für geistiges Eigentum Postscheckkonto Bern 30-4000-1</td>
<td>(a) payment or transfer to Giro account (b) postal money order (c) delivery or remittance of cheques drawn on a banking institution in Switzerland and made out to FIPO (d) debit from a current account with FIPO (e) cash payment</td>
<td>re 3(a) payment:  - date of payment at a CH post office  - in the case of payments from outside Switzerland/ Liechtenstein: date on which credited to the account of FIPO, unless evidence is supplied that payment was received at an earlier date by a CH post office re 3(a) transfer:  - date on which the amount is credited to the account held by FIPO, unless evidence is supplied of the date of processing by the Swiss Post Office or the date on which the transfer order was made to that post office  - in the case of transfer orders with value date, always the date on which the amount is credited to the account held by FIPO  - in the case of payments from outside Switzerland/ Liechtenstein: date on which first Swiss postmark was stamped on credit advice, unless evidence is supplied that transfer advice was received at an earlier date by a CH post office Art. 6 Fees Reg. re 3(b) date of payment at a CH post office. In the case of payments from outside Switzerland/ Liechtenstein: date on which the money order is paid out to FIPO or date on which the amount of the money order is credited to the Giro account indicated in column 2, unless evidence is supplied that payment was received at an earlier date by a CH post office Art. 7 Fees Reg. re 3(c) date on which cheque is delivered to FIPO if remitted: date on which first CH postmark was stamped on the mail delivery, unless it can be proven that the delivery was received earlier at a CH post office Art. 8 Fees Reg. re 3(d) date on which the written debit order is delivered to FIPO if remitted: as in &quot;re 3(c)&quot; Art. 9 Fees Reg. re 3(e) date of receipt of payment at FIPO</td>
</tr>
</tbody>
</table>

Art. 4 Fees Reg.
The following table sets out information on

(a) the enactment of national provisions on the question of double protection under Article 139(3) EPC

(b) the territorial field of application of the EPC, pursuant to Article 168(1) EPC

(a) Simultaneous protection

Under Article 139(3) EPC, any Contracting State may prescribe whether and on what terms an invention disclosed in both a European patent application or patent and a national application or patent having the same date of filing or, where priority is claimed, the same date of priority, may be protected simultaneously by both applications or patents.

The individual provisions enacted in connection with Article 139(3) EPC are indicated in column 1 of this table.

(b) Territorial field of application

Under Article 168(1) any Contracting State may declare in its instrument of ratification or accession, or may inform the Government of the Federal Republic of Germany by written notification any time thereafter, that the Convention shall be applicable to one or more of the territories for the external relations of which it is responsible.

European patents granted for that Contracting State also have effect in the territories for which such a declaration has taken effect.

The current situation regarding territorial field of application in the individual Contracting States is displayed in column 2 of the table.

(c) Reservations

Reservations pursuant to Article 167(2) EPC (column 1 in earlier editions) are no longer shown, the last of these having expired on 7 October 1992 (Article 167(3) EPC).

Austria

Austria's reservation - covering chemical, pharmaceutical or food products as such - expired on 7 October 1987 (OJ EPO 1987, 426).

Greece and Spain

Greece's reservation (for pharmaceutical products) and Spain's (for chemical and pharmaceutical products) both expired on 7 October 1992 (OJ EPO 1992, 301).

Important note

Under Article 167(5) EPC, reservations for European patents granted for that Contracting State also have effect in the territories for which such a declaration has taken effect.

The current situation regarding territorial field of application in the individual Contracting States is displayed in column 2 of the table.

(c) Reservations

Reservations pursuant to Article 167(2) EPC (column 1 in earlier editions) are no longer shown, the last of these having expired on 7 October 1992 (Article 167(3) EPC).

Austria

Austria's reservation - covering chemical, pharmaceutical or food products as such - expired on 7 October 1987 (OJ EPO 1987, 426).

Greece and Spain

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Important note

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The current situation regarding territorial field of application in the individual Contracting States is displayed in column 2 of the table.

(c) Reservations

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Greece and Spain

Greece's reservation (for pharmaceutical products) and Spain's (for chemical and pharmaceutical products) both expired on 7 October 1992 (OJ EPO 1992, 301).
<table>
<thead>
<tr>
<th>Contracting State</th>
<th>1 Simultaneous protection allowed? Art. 139(3) EPC</th>
<th>2 Territorial field of application of the EPC (Art. 168 EPC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>Simultaneous protection is not excluded</td>
<td>Territory of the Republic of Austria</td>
</tr>
<tr>
<td>Belgium</td>
<td>No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 7(1) Law of 8.7.77</td>
<td>Territory of the Kingdom of Belgium</td>
</tr>
<tr>
<td>Denmark</td>
<td>Simultaneous protection is not excluded</td>
<td>Territory of the Kingdom of Denmark with the exception of Greenland and the Faroe Islands</td>
</tr>
<tr>
<td>France</td>
<td>No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Art. L. 614-13. Law No. 92-597</td>
<td>Territory of the French Republic including New Caledonia, French Polynesia, the Southern and Antarctic territories, Wallis and Futuna and the Département St-Pierre-et-Miquelon Art. L. 811-1. Law No. 92-597</td>
</tr>
<tr>
<td>Germany</td>
<td>No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Art. II, § 8(1) LI PC</td>
<td>Territory of the Federal Republic of Germany and the Land Berlin in the case of applications filed before 3 October 1990. Territory of the Federal Republic of Germany within the frontiers of 3 October 1990 in the case of applications filed since 3 October 1990 Art. XI, § 2 LI PC</td>
</tr>
<tr>
<td>Greece</td>
<td>No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Art. 22(1) Pres. Dec. No. 77/88</td>
<td>Territory of the Hellenic Republic Law No. 1607/86</td>
</tr>
<tr>
<td>Ireland</td>
<td>To the extent that it protects the same invention, the Controller may revoke the national patent after the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Sect. 60 PA</td>
<td>Territory of Ireland</td>
</tr>
<tr>
<td>Italy</td>
<td>No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Art. 8 DPR No. 32/1979</td>
<td>Territory of the Italian Republic</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>see Switzerland</td>
<td></td>
</tr>
<tr>
<td>Luxembourg</td>
<td>No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Art. 15 Law of 27.5.77</td>
<td>Territory of the Grand Duchy of Luxembourg</td>
</tr>
</tbody>
</table>
### Contracting State | Simultaneous protection allowed? | Territorial field of application of the EPC
--- | --- | ---
Monaco | No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Art. 9 SO 10.427 | Territory of the Principality of Monaco
Netherlands | No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Art. 52 PA | Territory of the Kingdom of the Netherlands, but not the territory of the Netherlands Antilles/Aruba
Portugal | No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Art. 14 Dec Law | Territory of Portugal
Spain | No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Art. 16 RD 2424 | Territory of the Kingdom of Spain
Sweden | No | Territory of the Kingdom of Sweden
Switzerland/Liechtenstein | No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) + (b) as Belgium Art. 125 PA | Territory of the Swiss Confederation and of the Principality of Liechtenstein Treaty CH/LI of 22.12.78
United Kingdom | To the extent that it protects the same invention, the comptroller may revoke the national patent after the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Sect. 73 PA | Territory of the United Kingdom of Great Britain and Northern Ireland and of the Isle of Man

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1 For information on the registrability of European patents (UK) in overseas States or Territories, see the information in OJ EPO 1992, 333.