



URL: Location: [Home](#)→[Help](#)→FAQ

Frequently asked questions

This page provides answers to the most common questions we receive via e-mail. If your question is not answered here, you can e-mail us using the contact form further down.

See [EPC 2000-related questions](#)

Questions

[What are patents and what do they protect?](#)

[Where can I find information about utility models, copyright, trade marks and designs?](#)

[I have an invention. How can I find out if something similar already exists and has been patented? Can I find out where a particular patent is still in force?](#)

[How much does a European patent cost and how can I pay the fees?](#)

[Can I use the priority of my national patent application when filing a European application?](#)

[Choosing a route: national, European or international?](#)

[How long does the grant procedure take?](#)

[Do I have to appoint a professional representative?](#)

[Is it possible to object to a particular application, either before or after it has been granted?](#)

[I have filed an international PCT application and want to enter the regional European phase. What do I have to do?](#)

[Where can I find information about job opportunities at the EPO?](#)

[Where can I find patent-related statistics?](#)

Do you still have a question?

Contact forms:

[I am looking for general information about the EPO.](#)

[I am looking for information on the patent granting procedure under the EPC or PCT.](#)

[I would like to know more about Online Services.](#)

[I would like to search in the patent information databases and need help.](#)

Answers

What are patents and what do they protect?

Patents protect technical inventions in any field of technology. They are valid in individual countries, for a specified period. Patents confer the right to prevent third parties from commercially exploiting the invention. In return for this period of protection, applicants must fully disclose their invention. Patent applications and granted patents are published, which makes them a prime source of technical information.

Under the law of the European Patent Convention, patents are only granted for inventions that are new, that involve an inventive step and that are industrially applicable. An invention meets these requirements if it was not known to the public in any form prior to the date of filing (or to the priority date), was not obvious to a person skilled in the art and can be manufactured or used industrially.

For more information see "[How to apply for European a patent](#)".

Discoveries, mathematical methods, computer programs and business methods as such are not regarded as inventions. Surgical and therapeutic procedures along with diagnostic methods as well as new plant or animal varieties are completely excluded from patentability. The European Patent Convention does not, of course, recognise inventions whose commercial exploitation would be contrary to 'ordre public' or ethical principles such as means of cloning human life or the use of human embryos for commercial or industrial purposes.

Further information about what is not patentable can be found in the [Guide for Applicants Part 1](#).

You would like to ask a different question? Use our [contact form](#).

[Top of page](#)

Where can I find information about utility models, copyright, trade marks and designs?

Generally speaking, utility models protect technical innovations which might not qualify for a patent, and can be protected in some countries through registration. Copyright protects creations such as literary text, musical compositions and works of art, broadcasts and computer software against unauthorised copying and certain other uses. Trade marks allow brands of products or services to be distinguished. They may be made up of two- or three-dimensional signs such as letters, numbers, words, shapes, logos or pictures, or even sounds. Designs and models protect the visual appearance of industrial products, i.e. the shape and colour.

More information on utility models, trade marks, copyright and designs can be obtained from the national IP offices of the member states of the EPO. A full list of links to these offices can be found [here](#).

For information on trade marks and designs in the European Union, contact the Office for Harmonization in the Internal Market (OHIM) at:

Office for Harmonization in the Internal Market (OHIM)
(Trade Marks and Designs)
Avenida de Europa, 4
03008 Alicante, Spain

Tel.: +34 96 513-9100
Fax: +34 96 513-1344
www.oami.europa.eu

You would like to ask a different question? Use our [contact form](#).

[Top of page](#)

I have an invention. How can I find out if something similar already exists and has been patented? Can I find out where a particular patent is still in force?

One way of checking whether or not your product or idea has already been invented and patented by somebody else is to consult esp@cenet, the EPO's free online database. esp@cenet contains over 60 million patent documents that can be searched through a combination of keywords.

esp@cenet was set up especially to enable users to conduct their own searches in patent documents. To search in esp@cenet, all you need to do is:

go to the EPO's [homepage](#)
click on "esp@cenet" on the right
select "Access esp@cenet"
select the ep.espacenet.com gateway
select (for example) "Advanced Search"
select search in "Worldwide" patent database (default)
type your search keyword(s) in the appropriate search field and then click on "Search"
This will lead you to patent documents in the field concerned.

You can find out more about how to use this database from the "[esp@cenet assistant](#)" e-learning module.

Legal status information (i.e. information about where and whether a patent is valid) for European and Euro-PCT applications is available via the free online Register Plus service at www.epoline.org. This service also provides access to the publicly available parts of the patent file, up to and including the grant stage (and including any opposition/appeal procedures).

Once they have been granted, European patents revert to the national offices of the designated states. Information about the post-grant legal status can be obtained from the relevant office, a list of which can be found under the following link: <http://www.epo.org/topics/ip-webguide/IPofficesmembers.html>.

Legal status information can also be retrieved via the "INPADOC Legal Status" tab in the EPO's free esp@cenet service. This information is based on data we receive from the national patent offices.

For information on the legal status of any patent you can also contact the EPO. The contact e-mail address is inpadocservices@epo.org, and the cost for this service is EUR 10.20 per patent per country.

You would like to ask a different question? Use our [contact form](#).

[Top of page](#)

How much does a European patent cost and how can I pay the fees?

Fees are charged for filing, search, designation of states, examination, grant and printing. Renewal fees are also payable for the third year and each subsequent year after the date of filing. The filing and search fees due at the beginning of the procedure amount to about EUR 1170. The remaining fees are payable later. This means that applicants can decide at each stage of the procedure whether or not to pursue the application. As a rough guide, it currently costs on average EUR 4600 to take a patent with seven or more designated states to the grant stage (status: 2006). Please see the "[Fees, expenses and prices of the EPO](#)."

At the post-grant stage, competence is transferred to the contracting states designated in the European patent. In order to maintain the patent, renewal fees must be paid in each of these countries. The amount of the renewal fees varies from state to state.

The overall cost of obtaining a European patent could also include fees for the services of a patent attorney. Further details of these costs can be obtained from any patent attorney authorised to act as a professional representative before the EPO. A list of professional representatives can be found under the following link: <http://www.epo.org/patents/Grant-procedure/representatives.html>.

Fees due to the EPO may be paid in any of the following ways:

- by payment or transfer to a bank account held by the EPO
- by debiting a deposit account opened with the EPO in Munich (Supplement N° 5 to Official Journal 10/2007 "[Arrangements for deposit accounts and their annexes](#)").

It is not possible to pay by credit card.

All fees due to the EPO must be paid in euros. Accordingly, all payments and bank transfers must be made in euros to the EPO's euro accounts. Payments in other currencies are not accepted. Please see EPO's [bank account details](#).

Fees may be validly paid to the EPO by any person (see Legal Advice from the EPO No. 6/91 rev., OJ EPO 1991, 573).

You would like to ask a different question? Use our [contact form](#).

[Top of page](#)

Can I use the priority of my national patent application when filing a European application?

If you or your predecessor in title have filed an application for a patent or for the registration of a utility model or for a utility certificate in or for any state party to the Paris Convention for the Protection of Industrial Property (November 2007: 172 states) or any member of the World Trade Organization (November 2007: 151 states), you may claim priority when filing a European patent application in respect of the same invention. You should do so no later than twelve months after filing the first application.

If the earlier application was filed in or for an EPC contracting state, you may also designate that state in the European application. The earlier application whose priority you claim may also be a European or international (PCT) application.

Further information is available in the [Guide for Applicants Part 1, C. Preparing and filing a European patent application, points 52ff](#).

You would like to ask a different question? Use our [contact form](#).

[Top of page](#)

Choosing a route: national, European or international?

The European patent granting procedure and the national patent granting procedures exist in parallel. So when seeking patent protection in one or more EPC contracting states, you have a choice between following the national procedure in each state for which you want protection and taking the European route, which in a single procedure confers protection in all the contracting states that you designate.

If you decide you want a European patent, you have a further choice between the direct European route and the Euro-PCT route (see [Part 1, A. General, points 8ff](#) and [Part 2](#) of the Guide for applicants).

With the direct European route, the entire European patent grant procedure is governed by the EPC alone. With the Euro-PCT route, the first phase of the grant procedure (the international phase) is subject to the PCT, while the regional phase before the EPO as designated or elected Office is governed primarily by the EPC.

Further information can be found in the [Guide for Applicants Part 1](#).

You would like to ask a different question? Use our [contact form](#).

[Top of page](#)

How long does the grant procedure take?

The European patent grant procedure takes about three to five years from the date the application is filed. It is made up of two main stages, the first comprising formalities examination and the preparation of the search report and the preliminary opinion whether the claimed invention and the application meet the requirements of the EPC, the second comprising substantive examination.

You would like to ask a different question? Use our [contact form](#).

[Top of page](#)

Do I have to appoint a professional representative?

Applicants who are natural or legal persons not having either a residence or place of business within the territory of one of the contracting states to the EPC (non-resident applicants) must be represented by a professional representative (European patent attorney) and must act through him in all proceedings established by the European Patent Convention, other than in filing the European patent application. Thus, a non-resident applicant may file a European patent application on his own behalf but must appoint a professional representative and act through him afterwards. This does not apply to payments, since these may be made by anybody.

Representation may also be undertaken by any legal practitioner qualified in one of the contracting states and having his place of business within such state, to the extent that he is entitled, within the said state, to act as a professional representative in patent matters ([Article 134\(7\) EPC](#)).

For more information, see the [Guide for Applicants Part 1, C. Preparing and filing a European patent application, points 57ff](#).

Please consult the online searchable [database of European patent attorneys](#).

You would like to ask a different question? Use our [contact form](#).

[Top of page](#)

Is it possible to object to a particular application, either before or after it has been granted?

Following publication of the European patent application, any person may submit **observations** concerning the patentability of the invention in respect of which the application has been filed. Such observations must be filed in writing and must include a statement of the grounds on which they are based. The person filing the observations shall not be a party to the proceedings before the EPO and will not be informed by the EPO about the further outcome of the patent granting proceedings. The observations are communicated to the applicant for or proprietor of the patent, who may comment on them. There is no specific EPO form for this purpose, and no fee is payable.

Up to nine months after publication of the mention that a European patent has been granted, any person (with the exception of the patent proprietor himself) may file a notice of **opposition** to the patent with the EPO. The notice of opposition must be filed within the opposition period in a written reasoned statement. That means that the opponent must state at least one ground for opposition under [Article 100 EPC](#) and indicate the facts, evidence and arguments presented in support of the ground(s). Otherwise the notice of opposition will be rejected as inadmissible. It is

advisable to use the official EPO opposition form, which is available free of charge from the EPO and the central industrial property offices of the contracting states and can also be [downloaded](#). Notice of opposition is not deemed to have been filed until the opposition fee has been paid.

Further information on opposition can be found in the [Guide for Applicants Part 1, D. The European patent grant procedure, points 178ff.](#)

You would like to ask a different question? Use our [contact form](#).

[Top of page](#)

I have filed an international PCT application and want to enter the regional European phase. What do I have to do?

In order to initiate the European phase applicants must fulfil certain minimum requirements within 31 months of the filing date or, if priority has been claimed, the earliest priority date. For more information see the [Guide for Applicants Part 2 E. Euro-PCT procedure before the EPO as a designated or elected Office, points 171ff.](#)

You would like to ask a different question? Use our [contact form](#).

[Top of page](#)

Where can I find information about job opportunities at the EPO?

Vacancies are published on the [EPO's website](#).

You will find an application form, contact details, job description ("main duties") and a reference number (e.g. INT/EXT/4077) for each vacancy. Candidates should preferably use the online application form provided. Copies of supporting documents can be sent by fax or normal mail.

Read more about the [recruitment procedure](#).

You would like to ask a different question? Use our [contact form](#).

[Top of page](#)

Where can I find patent-related statistics?

The EPO website contains a general breakdown of the statistics for the EPC states* as presented in our [annual reports](#).

You might find some extra statistical data on the [EUROSTAT website](#).

The [trilateral website](#) (EPO/USPTO/JPO) has statistics dating back to 1996.

* See also a full list of [EPO member states](#).

You would like to ask a different question? Use our [contact form](#).

[Top of page](#)