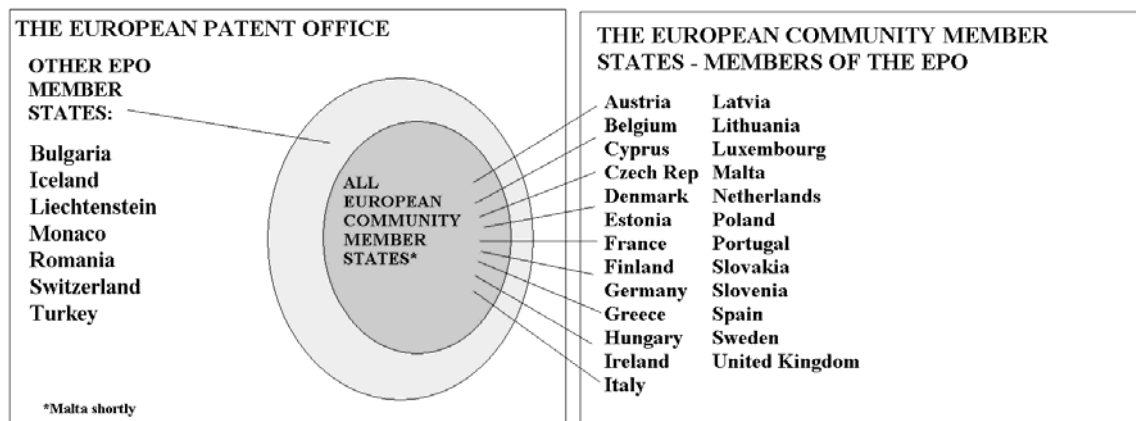
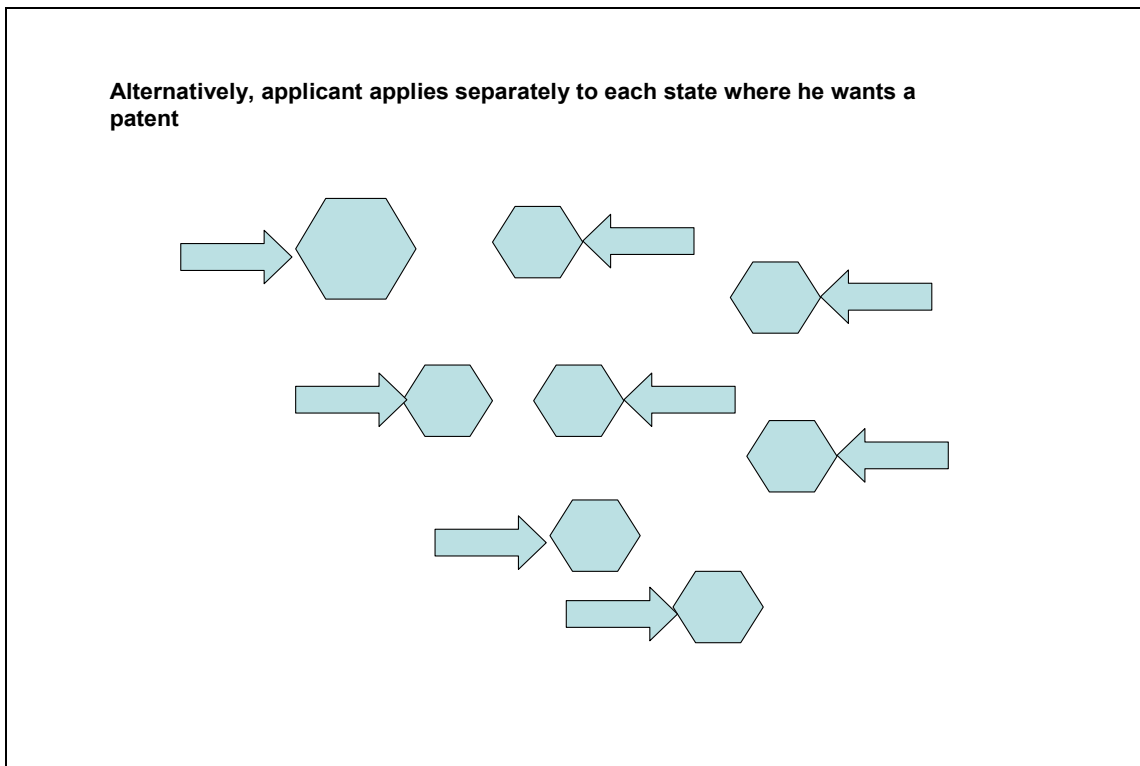
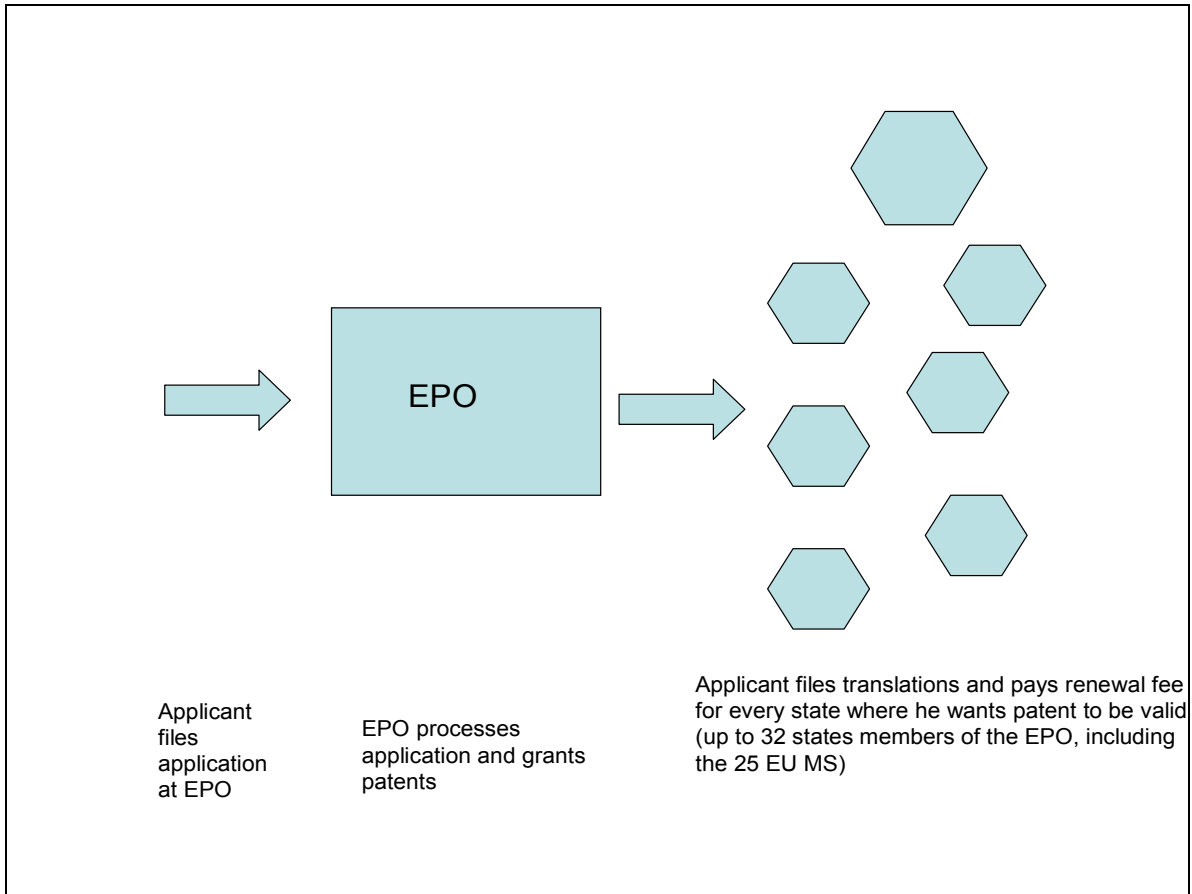


The European Patent Office (EPO)

The EPO is an autonomous international body having no links with the Community. The EPO was set up by the 1973 European Patent Convention (EPC). To date 31 States are EPC signatories. The Administrative Council (supervisory body) of the EPO is mainly composed of delegates from national patent offices (NPOs) of the contracting States. Membership comprises 24 current EU Member States, 2 EU candidates (Bulgaria and Romania), Iceland, Liechtenstein, Monaco, Switzerland and Turkey. Switzerland enjoys a rather influential role in the EPO.



The EPO has been in operation since 1975 with headquarters in Munich, Germany, and branch offices in Rijswijk (The Hague), the Netherlands, and Vienna, Austria. It has a work force of more than 6,000, mainly patent examiners. The main task of the EPO is to process applications for so-called European patents. The EPO provides a “one-stop-shop” to applicants seeking patents in the 32 countries which are members of the EPO. As a result whilst the patent application and grant procedures are under the EPC indeed European, upon grant such patents split into bundles of national patents with effect only in those States initially designated by applicants. The alternative is for the patent applicant to apply separately to every national patent office which will each separately examine and search the application and charge official fees (see diagram on next page).



In 2004 the EPO received 177,500 European patent applications. 77,000 European examinations were completed and 58,800 European patents were granted.

Whilst being basically a patent granting office the EPO has ambitions to steer patent policy at European and international levels. It has a business culture of its own with very little understanding for what happens in Brussels in a more global context. Initiatives from Brussels implying changes to the existing multilateral European patent system are considered as an attack on the holy writ. The EPO has close ties with national patent offices and far less with the ministerial level in Member States. Recently the EPO has become subject to growing criticism by MEPs and various EU Member States for a lack of political accountability.

DG MARKT's relations with the EPO, especially on COMPAT, have been difficult in particular under the former President: the EPO has been sensitive to encroachment on their prerogatives by the Commission and we have been concerned by EPO's efforts to assume a policy role which does not belong to it. The situation has improved under the current President.

The EPC has de facto harmonized the following issues: patentable subject matter, criteria for the granting of patents, priority, effects of patents, extent of protection of the patent.

The EPC has not harmonized issues such as compulsory licensing, grace period, employees' inventions, research exceptions and contributory infringement.