



1 What is protectable as a patent?

Patents protect technical inventions, which are new (do not form part of the state of the art), industrially applicable and involve an inventive step (not obvious to a person skilled in the art). Discoveries, scientific theories and mathematical methods, aesthetic creations, schemes, rules and methods for performing mental acts, playing games or doing business, and programs for computers (as such) and presentations of information are not patentable. For more information regarding patentability, please see [Chapter I of the European Patent Convention](#) (EPC).



Patents grant their owners a right to prevent third parties from commercially making, using, selling or importing the patented invention without the patentee's consent.

How do I perform novelty searches?

Novelty searches are important in checking the novelty of an invention. The [European Patent Office](#) (EPO) offers the free-of-charge [Espacenet](#) database containing over 100 million patent documents (patent translation is also available). For more on patent search, refer to the [European IPR Helpdesk fact sheet on how to search for patent information](#).

2 Why file a European Patent?

Patent rights are territorial by nature. This means that the protection is only valid in countries in which that patent is granted. Therefore, in order to obtain protection in different countries, one should either file individual applications in different National IP Offices (NIPOs) or follow different filing (see our [IPR chart on international patent application](#)) or registration routes.

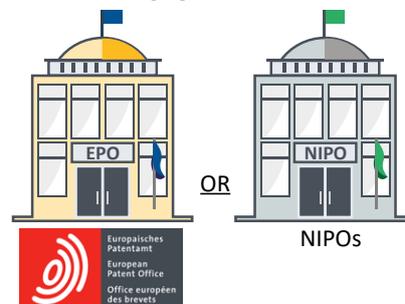
The European Patent (EP) makes it possible to obtain patent protection in [nearly 40 countries](#) just by filing a single application and following a single grant procedure at the EPO. The applicant then just needs to validate this grant decision in the countries in which the protection is sought. Therefore, an EP provides applicants a less costly and less procedural route in comparison with filing of individual applications.

3 Who can file an EP application?

Any natural person or legal entity from any country in the world may file an EP application.

4 Where and how to file an EP application?

Applications can be filed either at the EPO through on-line filing, by post, fax or by hand, or at the NIPOs of participating [contracting states](#). It is also possible to follow the EP route in the international phase of PCT applications ([Euro-PCT](#)).



5 When should I file an EP application?

It is possible to file the first application as a national patent, where applicants have the opportunity to deal with a patent authority in their own language. In that case, applicants have 12 months from the date of first filing to file the EP application for the same invention. However, it is also possible to file an EP application as the first application without a prior national application.



6 What are the technical contents of an EP application?

An EP application must contain: (1) a request for the grant of an EP, (2) a description of the invention, where all details of the invention together with references to prior art are given, (3) one or more claims, which define the scope of protection, (4) drawings, if any, and (5) an abstract.

7 What happens after filing of an EP application?



A search report is a document drawn up by the EPO where all the documents relevant for assessing novelty (prior art) and inventive step are listed, based on the claims of an EP application. Applicants have six months after publication of this report to respond, and decide whether to continue with the application or not.

If the applicant continues with the application, the EPO examines the application according to its patentability. The examination procedure may encompass several communications with the applicant (in writing and/or oral proceedings), and as a result a final report on patentability (examination report) is drafted.

If the application is granted, applicants have three months (or more, depending on national rules) to validate the EP by providing the translations in the EPC contracting states (if needed) in which the protection is sought.

From the date of grant, there is also a nine-month opposition period for the third parties.

8 What are the fees for granting an EP?

The total fees depend on several factors such as the number of designated states (translation and validation costs), the planned term of the patent (maintenance fees) and some technical requirements (type of filing - online or on paper, number of pages/claims, etc.). For a rough estimation, according to the EPO, it costs about 6,000 EUR from filing to grant stage, excluding the countries' validation and maintenance fees – rates defined by NIPOs – and translation expenses.

9 How long is the term of protection?

The European Patent is valid for 20 years from the EP filing date as long as the yearly maintenance fees are paid within this period in designated countries.



(*) In order to keep the patent/patent application in force, renewal fees (payable from the 3rd year) must be paid. During the grant procedure, a single fee is paid each year (starting from the 3rd) to the EPO. After the grant decision, renewal fees must be paid to the designated countries each year individually.

Disclaimer

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