



PLATFORM FORMALITIES OFFICERS 2023

CHRISTINA TEN HÖVEL | PA EXPERT AND KEY ACCOUNT MANAGER DIRECTORATE CUSTOMER JOURNEY | 19 SEPTEMBER 2023

UNITARY PATENT AND RECENT AND UPCOMING CHANGES - EPO

- **Unitary Patent** – update and practical information
- **Abolishment of service letter 1201** (entry into the European phase)
as from 1 November 2023
- **New notification fiction** (abolishment of the 10-day-rule)
as from 1 November 2023
- **MyEPO portfolio** – overview and functionalities
- **The EPO Contingency upload service** (emergency filing tool)
available since 1 July 2023
- **Roadmap recent and upcoming changes**



Unitary patent – update and practical information

epo.org

Regulation (EU) 1257/2012 Enhanced cooperation

Regulation (EU) 1260/2012 Translation arrangements

UPC Agreement

OJ EPO 2/2013, p.111 – 142

SC/D 1/15 Decision of Select Committee of 15.12.2015 adopting Rules relating to UPP

SC/D 2/15 Decision of SC of 15.12.2015 adopting Rules relating to Fees for UPP

SC/D 3/15 Decision of SC of 15.12.2015 adopting the Budgetary and Financial Rules

Supplementary publication 3, OJ 2023: Information on practice and procedures before the EPO relating to European patents with unitary effect









With the entry into force of the Unitary patent on 1 June the transitional measures have been abolished

- Deferred publication can no longer be requested. Form 2025 has been made obsolete
- All patents for which deferred publication has been requested have been published on 8 June
- The option to file an early request for Unitary effect has been abolished. The request must be filed within a time limit of 1 month from the date of the mention of the grant

- Where the **language of proceedings** at the EPO is French or German, the patent proprietor will have to provide a **translation** of the European patent into English
- Where the **language of proceedings** at the EPO is English, the patent proprietor will have to provide a translation of the European patent into **one of the official languages of the European Union**
- Full translation of description, claims and drawings
- No machine translation!
- The translation is for information only, and has no legal effect

UP-7000 REQUEST (OLF 2.0)

Start a procedure

| | |
|-------------------------------|--|
| Save in folder * | Submissions  |
| User's file reference* | <input type="text"/> |
| Role in proceedings * | Proprietor    |
| Form * |  UP 7000 Request for unitary effect  |
| Payment method | <input type="text"/>  |
| Language of the proceedings * | English  |

Available for roles “proprietor”, “applicant” and “representative”

General information

About the application/patent



User's file reference*



European application number*



European patent number*



ⓘ The system will check that the European patent number corresponds to the application number, and then retrieve the title of the invention in the language you have selected for the user interface

Title of the invention

Date of mention of the grant



The title is retrieved by the system

UP-7000 Proprietor (OLF 2.0)

Name, organisation

Common representative

Organisation*

Bauer AG ✓

Department

Forschung und Entwicklung

Country/territory of principal place of business*

DE - Germany ✓

Address

Line 1

Elbestrasse 44 ✓

Line 2

PO box

Postcode

20354 ✓

City*

Hamburg ✓

Province/state/county

Country/territory*

DE - Germany ✓

Address for correspondence

Translation costs ⓘ

Request for compensation for translation costs (Rule 9 UPR)

ⓘ SMEs, natural persons, non-profit organisations, universities and public research organisations are entitled to compensation of translation costs if the European patent application was filed in an official EU language other than English, French or German and if the residence or principal place of business of each individual proprietor is in an EU member state

Place of business on the date of filing of the European patent application ⓘ

Voluntary indication of a place of business of the applicant(s) on the date of filing of the European patent application (Article 7(1)(b) Regulation (EU) No 1257/2012, Rule 16(1)(w) UPR)

ⓘ It can prove useful to have an entry in the Register for unitary patent showing "a place of business on the date of filing" within the meaning of [Article 7\(1\)\(b\) Regulation \(EU\) No 1257/2012](#) (see [Rule 16\(1\)\(w\) UPR](#)) in cases where an applicant, when filing a European patent application or international application under the PCT designating or electing the EPO (Euro-PCT application), did not have a residence or principal place of business in one of the participating Member States within the meaning of [Article 7\(1\)\(a\) of that Regulation](#)

Please see point 5 of the notes on the request for unitary effect for more details as well as the [Unitary Patent Guide](#)

Applicant name* ⓘ

ⓘ Name of applicant on the date of filing of the European patent application

Overview

General information ⓘ

Parties ✓

Documents ⚠

Fees ⚠

Voluntary information in "request" tab

UP-7000 Place of business (OLF 2.0)

Place of business on the date of filing of the European patent application



Voluntary indication of a place of business of the applicant(s) on the date of filing of the European patent application (Article 7(1)(b) Regulation (EU) No 1257/2012, Rule 16(1)(w) UPR)

It can prove useful to have an entry in the Register for unitary patent showing "a place of business on the date of filing" within the meaning of [Article 7\(1\)\(b\) Regulation \(EU\) No 1257/2012](#) (see [Rule 16\(1\)\(w\) UPR](#)) in cases where an applicant, when filing a European patent application or international application under the PCT designating or electing the EPO (Euro-PCT application), did not have a residence or principal place of business in one of the participating Member States within the meaning of [Article 7\(1\)\(a\) of that Regulation](#)

Please see point 5 of the notes on the request for unitary effect for more details as well as the [Unitary Patent Guide](#)

| | | |
|--|--|-------------------------------------|
| Applicant name* | | |
| <input type="text" value="Test AG"/> | Name of applicant on the date of filing of the European patent application | |
| Department | | |
| <input type="text"/> | | |
| Country/territory * | Region: | City* |
| <input type="text" value="DE - Germany"/> | <input type="text"/> | <input type="text" value="Berlin"/> |
| Address line 1 | Address line 2 | |
| <input type="text" value="Unter den Linden 10"/> | <input type="text"/> | |
| PO box | Postcode | |
| <input type="text"/> | <input type="text" value="12345"/> | |

Place of business/residence within Member State

TestUP3 UP 7000 - Draft

Documents

Translation of the European patent ?

Language of the proceedings *

English ▼ ✓

ⓘ The language of the proceedings (Article 14(3) EPC) automatically displayed is the one that was selected in the 'Start a procedure' screen

A translation of the European patent is attached (Rule 6(2)(d) UPR).
The translation is in the following language:

French ▼ ✓

This request for unitary effect contains a translation of the European patent

Translation of the European patent ?

Remove

| Original file name | File name assigned by system | Description |
|---------------------------------------|------------------------------|------------------------------------|
| <input type="checkbox"/> Combined.pdf | UTRAN.pdf | Translation of the European patent |

Under certain conditions*, proprietors of European patents with unitary effect for which the European patent application was filed in an **official EU language other than English, French or German** are entitled to compensation for their translation costs:

- ***residence or principal place of business** in an **EU Member State**, and
- **Natural person** or falling within one of the following categories:
 - **SME** as defined in European Commission Recommendation 2003/361/EC dated 6 May 2003, or
 - **non-profit organisations** as defined in Article 2(1)(14) of Regulation (EU) No 1290/2013, or
 - **universities or public research organisations**

The request for compensation must be filed together with the request for unitary effect. It must contain a declaration that the proprietor is a natural person or one of the entities mentioned above

UP-7000 compensation (OLF 2.0)

The European patent in question has been granted with the same set of claims in respect of all the participating Member States (Rule 5(2) UPR)

Hiermit wird einheitliche Wirkung für das vorstehend genannte Patent beantragt/Unitary effect for the above-mentioned patent is hereby requested/Un effet unitaire est demandé pour le brevet susmentionné

Translation costs

Request for compensation for translation costs (Rule 9 UPR)

The/Each patent proprietor hereby declare(s) that he, and if applicable the initial applicant, is an entity or natural person under Rule 8(2) and (4) UPR.

Each individual proprietor must be eligible for compensation for translation costs

① SMEs, natural persons, non-profit organisations, universities and public research organisations are entitled to compensation of translation costs if the European patent application was filed in an official EU language other than English, French or German and if the residence or principal place of business of each individual proprietor is in an EU member state

Any compensation will be paid to the deposit account held with the EPO that is referred to in the Fees tab

Overview

General information

Parties

Documents

Fees

UP-7000 Payment information (OLF 2.0)

TestUP3 UP 7000 - Draft

Fees

Payment details

Payment method - optional

Automatic debit order ✓

The EPO is authorised under the [Arrangements for the automatic debiting procedure](#) to debit from the following deposit account held with the EPO any fees falling due:

Number of deposit account held with the EPO*

28490000 ✓

Account holder*

EPO ✓

Any payments (refund/compensation) from the EPO should be made to the following deposit account held with the EPO:

Number of deposit account held with the EPO*

28490000 ✓

Account holder*

EPO ✓

Procedural fees

UP-7038 (OLF 2.0)

Submit EP 1038, UP 7038, PCT-SFD

Save in folder * Submissions

User's file reference* test7038

Role in proceedings* Proprietor

Form *

| | | |
|--------------------------|----------------|--|
| <input type="checkbox"/> | UP 7038 | European patent with unitary effect - letter accompanying subsequently filed items |
| <input type="checkbox"/> | EP 1038 | Subsequently filed documents |

Payment method Not specified

Language of the proceedings* English

Cancel

Start

Role: Proprietor or representative

Save as template

Save

View history

View package

Close

P

General information

About the application/patent

User's file reference*

test7038



Language of the proceedings*

English



European application number *

EP14787038.0



European patent number *

EP3060405



Title of the invention

TAPE DRIVE AND TRANSFER PRINTER

The title is retrieved by the system

Save as template Save View history View package Close Pre

Parties

1 party/parties Show all Address book Remove Add

Partners for IP ✓
Professional representative,
association

Name, organisation

| | |
|---|------------------------------------|
| Organisation* <input type="text" value="Partners for IP"/> ✓ | Department <input type="text"/> |
| Registration No. of association of professional representatives* <input type="text" value="1111"/> ✓ | |

Address

Line 1

?

Only the party filing needs to be indicated (proprietor or representative)

UP-7038 Subsequently filed documents (OLF 2.0)

Upload a file

Document type

Category *

Description *

- Authorisation of representative
- Certificate with respect to translation (Rule 20(2)(a) UPR)
- Correction of errors in request for unitary effect (Rule 20(2)(h) UPR)
- Document concerning representation
- Document relating to a licence
- Document relating to a right in rem

File name assigned by system

List of documents (selection)

UP-7038 Fees (OLF 2.0)

test7038 UP 7038 - Draft

Fees

Payment details

Payment method

Debit from deposit account held with the EPO

The EPO is authorised to debit from the following deposit account held with the EPO any fees indicated in the fees section:

Number of deposit account held with the EPO*

28490000

Account holder*

EPO

Deferred execution date

dd.MM.yyyy

Important information

This functionality allows you to indicate explicit deposit account on that date. Choose the date that the deferred execution date is within the 6).

Any payments (refund/compensation) from the EPO should be made to the following deposit account held with the EPO:

Number of deposit account held with the EPO*

28490000

Account holder*

EPO

15% reduction in renewal fees for statement concerning licences of right (Rule 12 UPR, Article 3 RFeesUPP)

Procedural fees

Administrative fees

Renewal fees

test7038 UP 7038 - Draft

Fees

Payment details

Procedural fees

Administrative fees

| | Fee code and description |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | 022 - Registration of transfer |
| <input type="checkbox"/> | 023 - Registration or cancellation of licences and other rights |
| <input type="checkbox"/> | 701 - undefined |

Renewal fees

Example: Payment of the fee for transfer of rights and refund instructions

Payment instructions can be given in the following ways:

- **CFP:** Automatic debit orders (and withdrawal), single and batch payments, credit card payments, claiming refunds
- **OLF/OLF 2.0:** Automatic debit order (forms 7000 and 7038), single payments, refund and compensation instructions (but no withdrawal of automatic debit order)
- It is recommended to indicate refund instructions (form 7000 or 7038) for refunds of renewal fees
- **Bank transfer**
- **Webform-filing, MyEPO portfolio and the Contingency upload service cannot be used; instructions filed on paper are not accepted**

The request for unitary effect is free of charge

Renewal fees cannot be paid with form 7000, instead form 7038 or Central Fee Payment should be used

The following fee instructions can be given with form 7000:

- Payment of fee for re-establishment of rights (as applicable)
- Automatic debit order
- Refund/ compensation instructions



Unitary patent certificate

epo.org

no additional documents beyond the European patent specification published by the EPO under the EPC will be published for a Unitary Patent

Unitary Patent proprietors will be sent a certificate once unitary effect has been registered (EPO form 7055, electronic or paper in line with other certificates)

Moreover, Unitary Patents will be assigned a specific identifier (the identifier "C0") in the Register for unitary patent protection, the European Patent Bulletin and in the data sets provided by the EPO, making it easier to identify them through the EPO's patent information products and services, e.g. Espacenet and Global Patent Index.

Unitary patent information in the european patent register

ject... Register SP2023 EPO NOC EPO European Patent Of... coronavirus sf My info (goals, etc.) radware German EPO m

Smart search **Advanced search** Help

Advanced search

Quick help

- How many search terms can I enter per field?
- Can I use truncation?
- How do I enter an EP application/publication number?
- How do I enter a WO (PCT) application/publication number?
- What are the valid date formats?
- Can I enter a date range for my search?
- How do I enter the name of a person or an organisation?
- How can I find out if an opposition was filed in a specific technical field?
- How do I enter an International Patent Classification (IPC) symbol?
- How do I enter keywords in the title?
- How do I enter an appeal case number?
- What does "Open recent" mean?

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Enter numbers with or without country code

Publication number ⓘ e.g. EP1883031

Application number ⓘ e.g. EP07010825

Priority number ⓘ e.g. US20030423700

Enter one or more dates (and/or date range for publication date)

Filing date ⓘ e.g. 20070919

Publication date ⓘ e.g. 20070919

Priority date ⓘ e.g. 20070919

Date of grant ⓘ e.g. 20070919

Unitary effect request date ⓘ e.g. 20070919

Unitary effect registration date ⓘ e.g. 20070919


Enter the name of one or more persons or organisations

Applicant(s)/Proprietor(s) ⓘ e.g. IBM


Inventor(s) ⓘ e.g. Smith

Representative ⓘ e.g. vande gucht

Opponent ⓘ e.g. basf



Unitary patent information in the European patent register



Europäisches Patentamt
 European Patent Office
 Office européen des brevets

European Patent Register

Deutsch English Français
 Contact

← About European Patent Register Other EPO online services ▾
✉ Register Alert (email alerts)

Smart search Advanced search **Search results** Help

Quick help ▾




- [How can I navigate through the results?](#)
- [Can I sort the result list?](#)
- [Why are there dots instead of a name in the Representative column in my result list?](#)

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News flashes +

Related links +


Search results

 Refine search  Export (CSV | XLS)  Print


Sort by: Sort order:

76 items found, displaying 1 to 20. Search term(s): **urd = yes** 1 2 3 4 ▶▶


Retransmission method, wireless communication apparatus, and relay station

| Application No. | Publication No. | Applicant | Unitary Patent | Representative | IPC |
|-----------------|-----------------|------------|---|----------------|---------------------------------------|
| EP [redacted] | EP [redacted] | [redacted] |  Request date: 14.09.2016 Registration date: 15.09.2016 | [redacted] | H04L1/16 H04L1/18 H04L1/00 (+5) |


FLUORORESIN POWDER COATING COMPOSITION EXCELLENT IN BASE PROTECTION

| Application No. | Publication No. | Applicant | Unitary Patent | Representative | IPC |
|-----------------|-----------------|------------|---|----------------|------------------------|
| EP [redacted] | EP [redacted] | [redacted] |  Request date: 10.10.2016 Registration date: 20.10.2016 | [redacted] | C09D5/03 C09D127/12 |

Method and thermal recasting assembly for producing a hardened, thermally recast workpiece

| Application No. | Publication No. | Applicant | Unitary Patent | Representative | IPC |
|-----------------|-----------------|------------|---|----------------|--|
| EP [redacted] | EP [redacted] | [redacted] |  Request date: 30.04.2014 Registration date: 07.05.2014 | [redacted] | B21D22/20 B21D24/16 B21D37/16 (+4) |

Navigation apparatus, operation control method, and mobile terminal apparatus

| Application No. | Publication No. | Applicant | Unitary Patent | Representative | IPC |
|-----------------|-----------------|------------|---|----------------|-----------|
| EP [redacted] | EP [redacted] | [redacted] |  Request date: 30.04.2014 Registration date: 07.05.2014 | [redacted] | G01C21/26 |


Unitary patent information in the European patent register

UP About this file: EP: C0

Refine search ST36 Show history Previous 1/76 Next Espacenet Submit observations Report error Print

EP2234309 - Retransmission method, wireless communication apparatus, and relay station (Right-click to bookmark this link)

Status Unitary effect registered
Database last updated on 01.03.2022

| Most recent event | Date | Description | Published on |
|---|------------|--|--|
|  | 23.05.2017 | Filing of request for unitary effect | published on 22.06.2017 <small>▶ [2017/25]</small> |
| | 23.05.2017 | Decision on the request for unitary effect | published on 22.06.2017 <small>▶ [2017/25]</small> |
| | 23.05.2017 | Transfer of Rights | published on 22.06.2017 <small>▶ [2017/25]</small> |

Proprietor(s) [Redacted]

[2017/25] Transfer of Rights

Inventor(s) [Redacted]

▶ [2010/39]

Representative(s) [Redacted]

[2017/25]

Application number, filing date [Redacted] 12.01.2010

[2010/39]

Procedural language EN

(Principal) place of business on the date of filing [i] ▶ Principal place of business [i]

Place of business [i] [Redacted]

[2017/25]

Unitary Patent Protection

| | |
|------------|--|
| 14.09.2016 | Date of request for unitary effect [2017/25] |
| 15.09.2016 | Decision on the request for unitary effect: Positive [2017/25] |
| 15.09.2016 | Date of registration [2017/25] |
| 14.09.2016 | Date of legal effect [2017/25] |

Member States covered by Unitary [i] 15.09.2016 AT, BE, BG, DE, DK, FI, FR, GB, GR, HU, IT, MT, NL, SE, SK [2017/25]

Unitary patent information in the European patent register

Smart search
Advanced search
Search results
Help

EP4085814

- European procedure
- EP About this file
- EP Legal status
- EP Federated register
- EP Event history
- EP Citations
- EP Patent family
- EP All documents
- Unitary Patent
- UP About this file
- UP Event history
- UP All documents

✕ UP All documents: EP4 [redacted] C0
Dossier alert: RSS Email

Refine search
↓ Selected documents
↓ Zip Archive
Previous 1 / 94 ▶
Next ▶
↗ Espacenet
 Report error
 Print

Number of documents: 8

| <input type="checkbox"/> | Date ▾ | Document type | Number of pages |
|--------------------------|------------|---|-----------------|
| <input type="checkbox"/> | 07.07.2023 | Transmission of the certificate for a European patent with unitary effect | 1 |
| <input type="checkbox"/> | 27.06.2023 | Communication of registration of unitary effect | 2 |
| <input type="checkbox"/> | 15.06.2023 | (Electronic) Receipt | 1 |
| <input type="checkbox"/> | 15.06.2023 | (Electronic) Receipt | 1 |
| <input type="checkbox"/> | 15.06.2023 | Letter accompanying subsequently filed items | 1 |
| <input type="checkbox"/> | 15.06.2023 | Request for unitary effect | 3 |
| <input type="checkbox"/> | 15.06.2023 | Translation of the patent | 17 |

Quick help -

- [What does C0 stand for?](#)
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Related links +

Advanced search

Help

register > Opt-out from the exclusive competence of the Unified Patent Court

Use keywords to search for support information:

Search

Opt-out from the exclusive competence of the Unified Patent Court

Under Article 83(3) of the Agreement on a Unified Patent Court, applicants for and proprietors of "classic" European patents can opt out their application or patent from the exclusive competence of the Unified Patent Court (UPC) unless an action has already been brought before the UPC in respect of that application or patent. European patents with unitary effect cannot be opted out from the UPC's competence.

To see events related to the opt-out procedure, select the **Register of the Unified Patent Court for opt-out data** link in the **Opt-out from the exclusive competence of the Unified Patent Court** section of the **EP About this file** view

Note: For European patent and Euro-PCT applications, the opt-out section is displayed even if there has been no opt-out. However, for WO (PCT) applications designating the EPO and without a European patent publication number, the opt-out section is not displayed.

References

[Rule 16\(1\) of Rules relating to Unitary Patent Protection](#)

[Article 83\(3\) of the Agreement on a Unified Patent Court](#)

Responsibility of Unified Patent Court (UPC)

- Exclusive jurisdiction for litigation relating to European patents (unless opted-out) and European patents with unitary effect (opt-out not possible)
- Actions concerning decisions of the European Patent Office in carrying out the tasks referred to in Article 9 of Regulation (EU) No 1257/2012 (Appeals against negative decisions taken with regards to unitary effect are to be lodged with the UPC)
- **The opt-out is to be registered with the UPC!**

The applicability of the Agreement to European patents and patent applications (UPCA) is dealt with in article 3 of the Agreement.

According to Article 3 the UPCA applies to:

European patents with unitary effect

Supplementary protection certificates issued for a product protected by a European patent

European patents

European patent applications

The opt-out is to be registered with the UPC

The opt-out will be visible in the European patent register after registration and/or withdrawal

The UPC offers registration via their own CMS system

The filing of a request for unitary effect takes precedence over a previous opt-out:

- The opt-out does not need to be withdrawn if you file a request for unitary effect

Unitary patent – points for attention

UPC:

- EPO smart cards cannot be used for the UPC's CMS system
- If unitary effect is requested and registered, the UPC will be competent, even if the patent/ the application had been opted-out before

EPO:

- The EPO tools and smart cards can be used for the Unitary patent procedure (filing, payment of fees, mailbox)
- Automatic debiting is available, but must be requested (automatic debit orders are not carried over from the Examination phase)
- General authorisation should be amended to include unitary patent protection (form 1004), or can be requested exclusively for UP (form 7004)

Top-up searches to find earlier national rights in EPC MS

- Since 1 September 2022, the EPO carries out systematic top-up searches to find earlier national rights in all EPC contracting states and assess their relevance
- Free of charge and no request required
- EPO examiners carry out a search for any additional conflicting European applications falling within the area defined by Article 54(3) EPC unless this was already covered by the European search report.
- The examiner will retrieve Art. 54(3) documents which were not available at the time of the initial search,
- performed for any file at the start and end of examination

Top-up searches to find earlier national rights in EPC MS

Earlier national rights are not included in the state of the art for the purposes of the EPO examination for patentability (Article 54 EPC)

However, under Article 139(2) EPC, after the European patent has been granted, earlier national rights can be invoked as a ground for revocation in national proceedings. Therefore, applicants can file separate sets of claims for countries in which earlier national rights are found (Rule 138 EPC)

To be eligible for the registration of unitary effect, the European patent must have been granted with the same set of claims in respect of all the 25 participating member states (see Article 3(1) of Regulation (EU) No. 1257/2012)

Since 1 September 2022, the EPO assists applicants in their decisions whether to file separate sets of claims by providing them with non-binding information, in a communication under Rule 71(3) EPC, about earlier national rights that were found to be prima facie relevant

Legal texts
[Overview](#)

European Patent
Convention

Official Journal

EPC Guidelines

PCT-EPO Guidelines

Guidelines revision cycle

Extension / validation
system

London Agreement

National law relating to
the EPC

Unitary Patent system

National measures relating
to the Unitary Patent

National measures relating to the Unitary Patent

1st edition / September 2022

"National measures relating to the Unitary Patent" provides a concise overview of the most important national measures accompanying the implementation of the Unitary Patent in the participating member states. Relevant information can be retrieved on a country-by-country basis.

Available formats

"National measures relating to the Unitary Patent" is published in English, French and German and is only available electronically.

HTML version

The HTML version is optimised for online use and regularly updated.

Select "**Show modifications**" to view amendments made since the last PDF file was published. The check box is disabled for sections with no amendments.

→ [Go to "National measures relating to the Unitary Patent"](#)

PDF file

The PDF file contains the latest printable edition. This is the best version to use for browsing the entire text offline and for full-text searching.

 [Download "National measures relating to the Unitary Patent"](#)

← National measures relating to the Unitary Patent

🏠 > Legal texts > National measures relating to the Unitary Patent > III. Simultaneous Protection > Netherlands



Show modifications

National measures relating to the Unitary Patent, III. Simultaneous Protection, Netherlands
[Overview](#)

A. Introduction

B. Abbreviations

I. General

II. Safety net

III. Simultaneous Protection

IV. Territorial field of application of the European patent with

III. Simultaneous Protection

Netherlands Select ...

| Participating Member State | Netherlands |
|--|--|
| 1 Simultaneous protection possible between a Unitary Patent and a national patent | No |
| 2 Simultaneous protection possible between a classic European patent and a national Patent | |
| 3 Description | The introduction of simultaneous protection on the same territory is not foreseen. |

*example NL (extract)

National measures relating to the Unitary Patent

← National measures relating to the Unitary Patent



National measures relating to the Unitary Patent, II. Safety net, Netherlands

[Overview](#)

A. Introduction

B. Abbreviations

I. General

II. Safety net

III. Simultaneous Protection

IV. Territorial field of application of the European patent with unitary effect: overseas territories and areas

V. Any other important aspect

🏠 > Legal texts > National measures relating to the Unitary Patent > II. Safety net > Netherlands



Show modifications

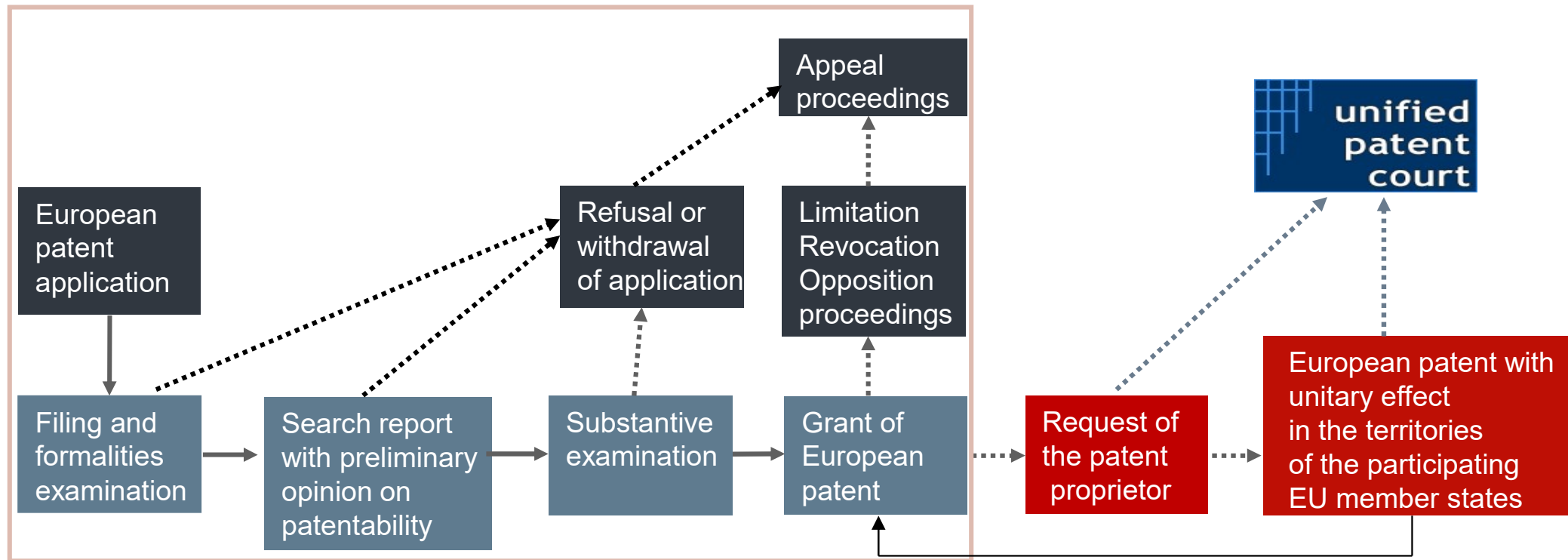
II. Safety net

Netherlands Select ...

| Participating Member State | Netherlands |
|----------------------------|---|
| 1 Safety net | Yes |
| 2 Description | <p>Yes, the Netherlands will introduce a 'safety net' in the Patents Act.</p> <p>For a successful safety net request, the following conditions have to be met:</p> <ul style="list-style-type: none"> the request for unitary effect has to be rejected by the EPO; the request for unitary effect had to be filed at the EPO in due time (see art. (1)(g) of Regulation 1257/2012); the patent should be void, either due to not filing the translation as prescribed in the Netherlands Patent Act or lapsed due to not paying the renewal fee; the safety net request should be filed at the Netherlands Patent Office within two month from either the refusal of the Unitary Patent Protection Division (EPO) or the confirmation of the refusal by the IPC (Court of First Instance). |

*example NL (extract)

Patent grant process and unitary effect



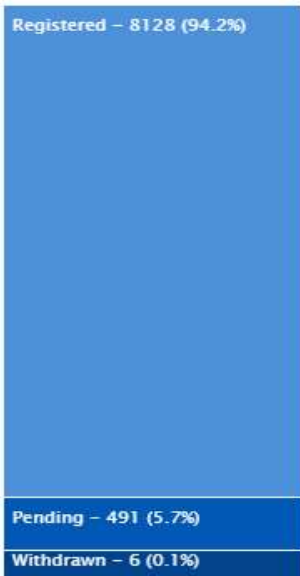
Unitary patent dashboard

Requests for unitary effect Last updated 07.9.2023

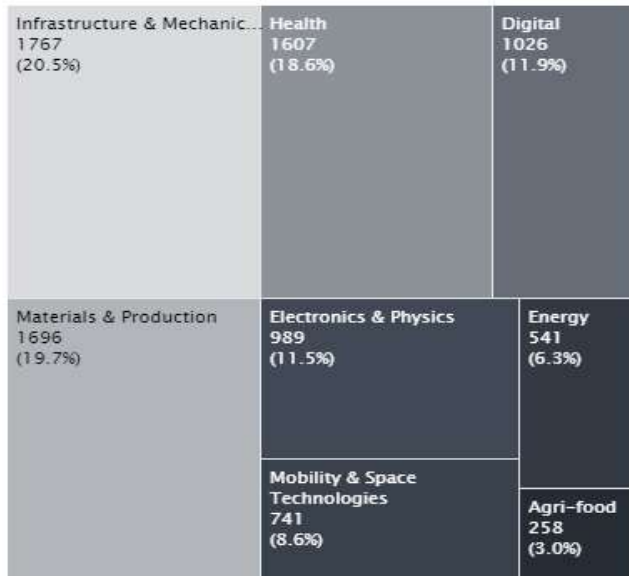
This dashboard shows the location of patent proprietors; the status and evolution of their [requests for unitary effect](#); the technology sector to which their patents relate; as well as the language in which their European patents were published and subsequently translated. Click on any block or map location to customise your display. See our [short explanation](#) for the scope of the eight technology communities:



Status of registration



Technology



Procedural language



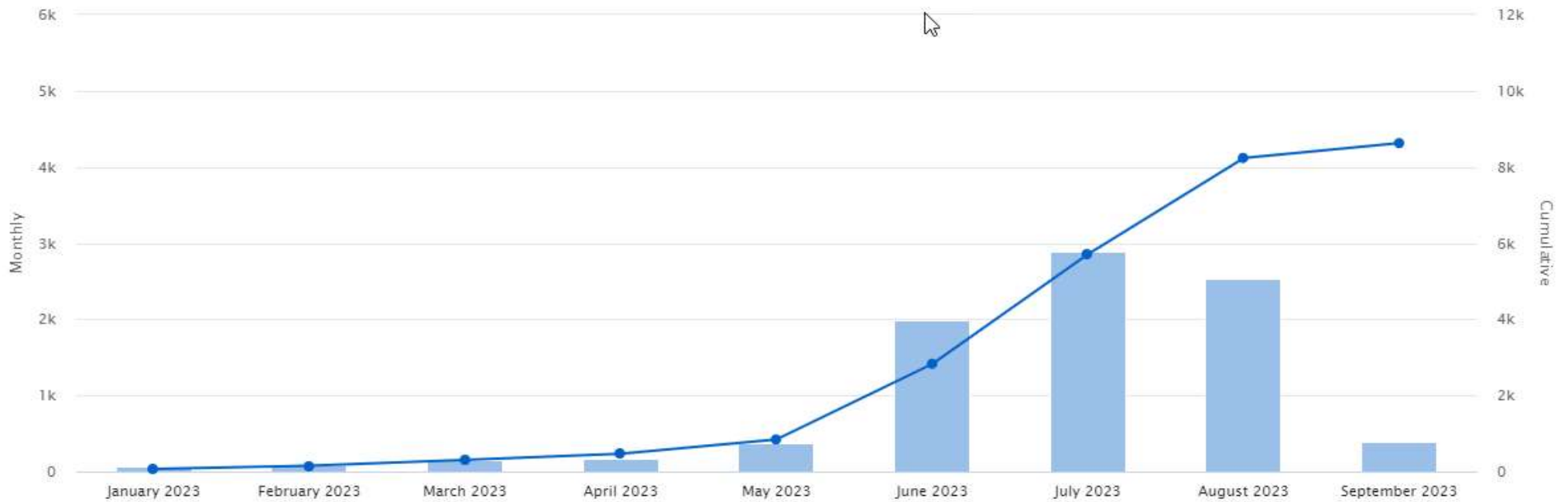
Translation language



Evolution of requests received

*07.09.2023

Evolution of requests received



Abolishment of service letter 1201 (entry into the European phase) as from 1 November 2023

Notice from the European Patent Office dated 1 July 2023 concerning the discontinuation of service letter EPO Form 1201 “Entry into the European phase before the European Patent Office”

Abolishment of service letter 1201

EPO Form 1201 is a service letter sent during the international phase specifying the European application number and detailing the steps to enter the European phase

The EPO will stop sending out service letter EPO Form 1201 with effect from 1 November 2023

The corresponding information will instead be made available on [epo.org](https://www.epo.org):

- <https://www.epo.org/applying/international.html>
- <https://www.epo.org/applying/international/entry-european-phase.html>

Abolishment of service letter 1201

The European application number is allocated to an international application with designation EP once it is published

As from that time, the Euro-PCT application, including its allocated European application number, is accessible to the public via the European Patent Register

If applicants enter the European phase early under Art. 23(2) or 40(2) PCT and before the international application is published, the European application number is allocated on submission

Abolishment of service letter 1201

When entering the European phase applicants are not required to indicate the European application number. By indicating the international application number, the submission is automatically routed to the corresponding Euro-PCT application

Applicants filing EPO Form 1200E via Online Filing or Online Filing 2.0 receive the European application number immediately on the acknowledgement of receipt issued electronically and returned after successful submission

Both the international application number and the European application number will be added to the first communication sent by the EPO with regard to the Euro-PCT application

Abolishment of service letter 1201

After publication of the international application, the European application number can be retrieved from the European patent register

Although the European application number is not required for filing EPO Form 1200, it is required when applicants pay the initial fees separately via Central Fee Payment

New notification fiction (abolishment of the 10-day-rule) as from 1 November 2023

Notice from the European Patent Office dated 6 March 2023 concerning amended Rules 126, 127 and 131 EPC, OJ EPO 2023, A29

Notification and time limit calculation

Amendments to Rules 126, 127 and 131 EPC to reflect the Office's digital agenda and to harmonise the EPC and PCT regimes

Notification fiction and time limit calculation on/from the date of document

Office's burden of proof in case of notification issues retained, new safeguard introduced where a document is received exceptionally late

Entry into force: 1 November 2023

Notification and time limit calculation

The **relevant date** for the purpose of applying the notification fiction is **the date printed on a document** (not any other date possibly stamped on the envelope etc.)

As is the case today, electronic notification under Rule 127(2) EPC will not occur before the date of the document. Accordingly, even if the addressee can access the document via the Mailbox before this date, the decisive date for the purpose of the notification fiction under Rule 127(2) EPC is the date of the document

The EPO continues to provide appropriate safeguards if a document is not received or received exceptionally late

Document not received

If the EPO is unable to prove that a document has been delivered:

- the notification fiction will not apply
- the period will not be considered to have started
- the document will be reissued with a new date

the calculation of the time limit will be based on the date of the new communication!

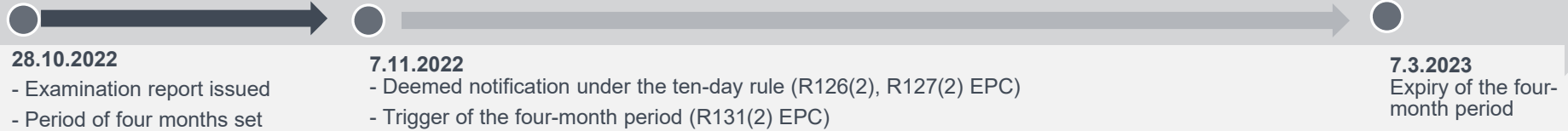
Document received exceptionally late

If notification is contested and the EPO cannot show that a document reached the addressee **within seven days** from the date of the communication:

- the **period** triggered **will be extended** by the number of days by which these seven days are exceeded
- **Example 1:** If a document is received **12 days** after the date it bears, the period will be **extended by five days**
- **Example 2:** If a document is received **four days** after the date it bears, there will be **no change in the period calculation**



Notification and time limit calculation before 1 November 2023



Notification and time limit calculation as of 1 November 2023

13.11.2023

- Examination report issued
- Deemed notification on the date of document (R126(2) R127(2) EPC)
- Trigger of the four-month period (R131(2) EPC)

Standard cases

13.3.2024
Expiry of the four-month period

13.11.2023

- Examination report issued on the date it bears
- Deemed notification on the date of document (R126(2) R127(2) EPC)
- Trigger of the four-month period (R131(2) EPC)

Exceptional cases

18.3.2024
Expiry of the four-month period as extended

25.11.2023

Examination report delivered 12 days after date of document

Applying the safeguard:
 $12-7=$ period expiring 5 days later

MyEPO portfolio – overview and functionalities

Decision of the President of the European Patent Office dated 3 May 2023 concerning the web-based online Service MyEPO Portfolio and electronic notification to the mailbox, OJ EPO 20223, A49; Notice from the European Patent Office dated 3 May 2023 concerning new milestones for EPO online services, OJ EPO 2023, A50



A single integrated suite of online services for EP and PCT procedures, providing:

- Easier access to digital information and exchange of structured data
- Simplified procedures with self-service options and procedural guidance
- More direct interaction with the EPO on files

<https://new.epo.org/en/applying/myepo-services>



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MyEPO Portfolio is the place to interact with us on your EP, UP and PCT proceedings

Available since 1 June 2022 with new features added in 2023

- View your applications and documents
- Receive EPO Mailbox communications
- Reply to select EPO communications
- Administer your EPO Mailbox and users
- Mailbox for international agents (PCT)
- A first B2B technical interface (API)
- Alternatives to the smart card
- Live interaction with examiners on documents

<https://new.epo.org/en/applying/myepo-services/interact>

It is now easy to sign in to MyEPO Portfolio, Online Filing 2.0 and Central Fee Payment using your EPO account (email address and password) plus a second step to verify your identity:

- Google Authenticator app with a single-use code
- Okta Verify app with a confirmation link (press Yes / No) or a single-use code
- Text message (SMS) with a single-use code
- Email message with a confirmation link (Sign In) or a single-use code

Later in 2023, these alternative methods will also be available for Online Filing tool

<https://new.epo.org/en/applying/myepo-services/get-access>



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Until end 2024 you can still sign in using an EPO smart card, but the EPO account with two-step verification replaces smart cards

No smart cards will be issued or renewed from January 2024

Two-step verification alternatives are already available for all users

- Existing smart card users will be able to add two-step alternatives to their account
- New users will be able to create a new EPO account with two-step verification

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- Request mailbox PCT Links for PCT applications where the EPO is (S)ISA or IPEA
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- Select **Yes** in the column **Electronic communications**

The Mailbox for Demo IP Attorneys AG is **activated**

Key features of the improved EPO mailbox

- cleaner design with usability and navigation improvements
- a new “PCT Link” allowing PCT electronic correspondence when the EPO is ISA/IPEA
- high-quality, colour versions of non-patent literature citations in search reports
- optional e-mail alerts to notify you of new EPO mailbox correspondence, new pending actions, approaching deadlines
- Full synchronisation with current mailbox for a simple migration

- The “old” mailbox will be decommissioned in June 2024!

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| Application No. 23 150 238.6 - 1208 | Ref. testseema216may | Date 25.05.2023 |
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Shared area for examiners & representatives to interact

Example

Representative

... received a communication from the EPO and would like to reach a better understanding of the issue and speed up the resolution through a direct interaction with the examiner/division. They will make an appointment with the EPO examiner to discuss this communication

Examiner

... has a potential grant that requires minor amendments. Instead of calling the representative and communicate in writing, they can now make a Teams/Zoom appointment and discuss the case online using the new digital tools

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Shared area – current implementation

- Uses a DocX Open Source editor
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- Internal access: integration in EPO tools
 - A **Shared Area** for external interactions

Shared area for examiners & representatives to interact

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EP 14 740 040 P96929EP04 Comcast Cable Communications LLC

Collaboration documents for this application

| # | Filename | Date of last edit | Edited by | Actions |
|---|------------------|-------------------|-----------|---------|
| 1 | Claims.docx | 16.02.2023 | John Doe | ✎ 🗑️ |
| 2 | Description.docx | 16.02.2023 | John Doe | ✎ 🗑️ |
| 3 | Abstract.docx | 16.02.2023 | John Doe | ✎ 🗑️ |
| 4 | Amendments.docx | 16.02.2023 | John Doe | ✎ 🗑️ |

Representative's shared area in MyEPO Portfolio

Digital File Repository

EP 14 740 040 EP 14 740 040

Shared area

| Original date | File | Last edit by | Actions |
|---------------|-------------|--------------|---------|
| 09.01.2020 | Claims | J. Williams | ✎ 🗑️ |
| 09.02.2019 | Description | O. Roubal | ✎ 🗑️ |
| 18.02.1989 | Abstract | M. Pripic | ✎ 🗑️ |
| 22.06.2018 | Amendments | M. Pripic | ✎ 🗑️ |

CLAIMS

1. A computer system (100) for maintenance of a manufactured product composed of a plurality of parts including a multiple quantity of a part of the plurality of parts, the system (100) including at least:

a data collection engine (102) configured to receive failure data for the plurality of parts in which the failure data indicates individual instances of failure of at least two of the multiple quantity of the part, each of the at least two of the multiple quantity being located at a respective distinct location in the manufactured product;

a modeling engine (104) configured to generate a superimposed failure model (SFM) for the part based at least partially on the failure data, including the modeling engine (104) being configured to determine a lifetime distribution of the part, at least partially on application of a lifetime distribution model to the SFM;

a maintenance engine (106) coupled to the modeling engine (104) and configured to perform a maintenance activity for the part, including the maintenance engine (106) being configured to determine a maintenance interval for the part according to the lifetime distribution of the part.

2. The system (100) of claim 1, wherein the modeling engine (104) being configured to generate the SFM includes being configured to:

identify an observed failure time for each of the individual instances of failure of the at least two of the multiple quantity of the part, and

generate the SFM according to the following:

$$S(t) \cdot \prod_{m=1}^{i-1} \left(\frac{S(t + \sum_{k=1}^m T_{i-k})}{S(\sum_{k=1}^m T_{i-k})} \cdot P(X > \sum_{k=1}^m T_{i-k} | T_1, \dots, T_{i-1}) \right)^{n-1}$$

wherein t represents a given time, n represents the multiple quantity of the part, i represents an index for a sequence of observed failure times, x represents a given variable lifetime, S represents a survival function, T_i represents an observed time interval between at least two observed failure times, and $F(x)$ represents a distribution function of the part that indicates a probability that a lifetime of the part is

Examiner's shared area in DFR

Times New Roman 12 Normal 23.Heading a.Heading a.Heading a.Heading

composed of a plurality of parts including a multiple quantity of a part of the plurality of parts, the system (100) including at least:

a data collection engine (102) configured to receive failure data for the plurality of parts in which the failure data indicates individual instances of failure of at least two of the multiple quantity of the part, each of the at least two of the multiple quantity being located at a respective distinct location in the manufactured product;

a modeling engine (104) configured to generate a superimposed failure model (SFM) for the part based at least partially on the failure data, including the modeling engine (104) being configured to determine a lifetime distribution of the part, at least partially on application of a lifetime distribution model to the SFM;

a maintenance engine (106) coupled to the modeling engine (104) and configured to perform a maintenance activity for the part, including the maintenance engine (106) being configured to determine a maintenance interval for the part according to the lifetime distribution of the part.

2. The system (100) of claim 1, wherein the modeling engine (104) being configured to generate the SFM includes being configured to:

identify an observed failure time for each of the individual instances of failure of the at least two of the multiple quantity of the part, and

generate the SFM according to the following:

$$S(t) \cdot \prod_{m=1}^{i-1} \left(\frac{S(t + \sum_{k=1}^m T_{i-k})}{S(\sum_{k=1}^m T_{i-k})} \cdot P(X > \sum_{k=1}^m T_{i-k} | T_1, \dots, T_{i-1}) \right)^{n-1}$$

wherein t represents a given time, n represents the multiple quantity of the part, i represents an index for a sequence of observed failure times, x represents a given variable lifetime, S represents a survival function, T_i represents an observed time interval between at least two observed failure times, and $F(x)$ represents a distribution function of the part that indicates a probability that a lifetime of the part is

Comment thread:

- Adrian Stachowiak 2/22/2023 10:50 am Paragraph Deleted
- Theodor Paleolog 2/22/2023 10:50 am to verify
- Adrian Stachowiak 2/22/2023 10:56 am I think it is fine as it is

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The “old” MyFiles tool will be decommissioned in June 2024!

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| <input type="checkbox"/> EP 23 150 238 | testseema216may | Demo Manufacturing Co. GmbH | 16.05.2023 | Search/Examination | C07C 4312 | No data | No data | No data |
| <input type="checkbox"/> EP 23 150 239 | test3seema16may | Demo Manufacturing Co. GmbH | 16.05.2023 | Search/Examination | F16D 6502 | No data | No data | No data |



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| <input checked="" type="checkbox"/> | EP 23 150 238 | | Demo Manufacturing Co. GmbH | 16.05.2023 | Search/Examination | C07C 4312 | No data | No data | No data |
| <input checked="" type="checkbox"/> | EP 23 150 239 | | Demo Manufacturing Co. GmbH | 16.05.2023 | Search/Examination | F16D 6502 | No data | No data | No data |



EP 23 150 237

Your reference
testseema16may 

Applicant
Demo Manufacturing Co. GmbH

| Documents | Date | Title | Code | Procedure | Pages |
|--|------------|---|---------|-------------|-------|
| Procedural actions 1 | 22.05.2023 | Annex to the communication | 2906 | Search/Exam | 1 |
| | 22.05.2023 | Invitation to indicate the claims and the ... | 1056C | Search/Exam | 3 |
| Due fees | 16.05.2023 | Request for grant of a European patent | 1001P | Search/Exam | 4 |
| | 16.05.2023 | Description | DESC | Search/Exam | 1 |
| | 16.05.2023 | Claims | CLMS | Search/Exam | 1 |
| | 16.05.2023 | Abstract | ABST | Search/Exam | 1 |
| | 16.05.2023 | Acknowledgement of receipt of electron... | 1001-6E | Search/Exam | 2 |
| | 16.05.2023 | Information regarding access code | DASCODE | Search/Exam | 1 |
| | 16.05.2023 | Deficiency in designation of inventor | 1045 | Search/Exam | 1 |



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|--|------------------------|--------------------|
| Application No. 23 150 237.8 - 1208 | Ref. testseema16may | Date 23.05.2023 |
| Applicant Demo Manufacturing Co. GmbH | | |

Invitation pursuant to Rule 62a(1) EPC and Rule 63(1) EPC

In the above-mentioned European patent application as filed, the search division has identified multiple independent claims in the same category. In accordance with Rule 62a(1) EPC, the applicant is invited to indicate the claims complying with Rule 43(2) EPC on the basis of which the search is to be carried out.

The following groups of independent claims in the same category have been identified:

The EPO also considers that the above-mentioned European patent application fails to comply with the European Patent Convention to such an extent that it is impossible to carry out a meaningful search regarding the state of the art on the basis of all or some of the subject-matter claimed. In accordance with Rule 63(1) EPC, the applicant is invited to file a statement indicating the subject-matter to be searched.

See Annex (EPO Form 2906) for the reasons.

You are invited to file the required indication and statement within a period of

two months

from the notification of this communication.

Procedural actions

Reply to invitation about subject-matter for search

Ready to sign

⌚ Deadline: 02.08.2023



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| Search/Exam | 1 |
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 2 pending actions for your applications

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| Reply to invitation about subject-matter for search | Ready to sign | EP 23 150 237 | testseema16may | Demo Manufacturing Co. GmbH | 02.08.2023 |
| Reply to invitation about subject-matter for search | Not started | EP 23 150 238 | testseema216may | Demo Manufacturing Co. GmbH | 04.08.2023 |

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EP 23 150 237

Your reference
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Applicant
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 Documents

 Procedural actions **1**

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Reply to invitation about subject-matter for search


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We invite you to file a statement indicating the subject-matter to be searched (Rules 62a and/or 63 EPC). Statements consisting of reworded claims are not considered as amended claims in view of Rule 137(1) EPC but merely as explanations in respect of the set of originally filed claims (Guidelines B-VIII, 3.2.2).

[Rule 62a EPC](#) | [Rule 63 EPC](#) | [Rule 137\(1\) EPC](#) | [Guidelines B-VIII, 3.2.2](#)

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EP 23 150 237

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Applicant
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- Documents
- Procedural actions **1**
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Roadmap recent and upcoming changes

**Timeline could still be subject to changes. All changes have been/will be announced in the Official Journal and on our homepage (epo.org).*

Roadmap 2023



Mailbox for International Agents (PCT) ✓

International agents and non-European applicants in the PCT can receive their ISA/IPEA reports in their MyEPO Mailbox



Opposition in OLF2.0 ✓

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Providers of commercial IP management systems can contact the EPO about the Application Programming Interfaces under construction

Nov-22

Dec-22

Jan-23

Feb-23

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Roadmap



2022/23



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ONLINE FILING 2.0



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LEGAL CHANGES



DECOMMISSION

Pilot phase 2

Roadmap 2023



- **Reply to European Search Report & Clarification Request** ✓
 Next set of self-service procedural actions: Reply to an extended European Search Report and Reply to an invitation about subject matter for search
- **Allow paralegals and IP support staff to send submissions** ✓
 Paralegal teams can now send replies in MyEPO Portfolio
- **Workshop with providers of IP management systems** ✓
 IP management software suppliers can learn how to connect technically to the EPO's new mailbox API
- **Alternatives to Smart card in MyEPO Portfolio** ✓
 A smart card is not needed to access MyEPO Portfolio. Users will be provided with other means of logging in securely including mobile authenticator apps



- **Alternatives to Smart card in CFP** ✓
 A smart card is not needed to pay in EPO Central Fee Payment



- **1 March: Outgoing faxes discontinued** ✓
 EPO no longer issuing communications by fax in relation to the patent grant process

Mar-23









- **Payment with deposit account** ✓
 In MyEPO Portfolio, users can pay with their deposit account directly without going through CFP
- **Interaction with examiners** ✓
 Via MyEPO Portfolio users can interact with examiners and adjust application claims and descriptions in real time
- **B2B: API to download MyEPO mailbox communications** ✓
 A first set of business-to-business (B2B) technical interfaces ("APIs") will be launched allowing users to download and process mailbox communications

Apr-23

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2023

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-  CENTRAL FEE PAYMENT
-  eOLF
-  LEGAL CHANGES
-  DECOMMISSION

Pilot phase 2

Roadmap 2023



■ **31 May: Publication in OJ full release on 1 July 23** ✓
Update on Pilot services release (Pilot in OJ EPO 2022, A94), OLF 2.0 Update to OJ EPO 2021, A42



■ **Opposition cases visible in the portfolio** ✓
In MyEPO Portfolio, representatives will be able to see in their portfolios the applications for which they are appointed to represent the opponent, with access to the digital files



■ **1 July: Full Release in Production** ✓
Pilot features available to all users including OLF 2.0 integrated with the alternative to the smart card 

May-23

Jun-23

Jul-23

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2023



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Pilot phase 2 

Roadmap 2023



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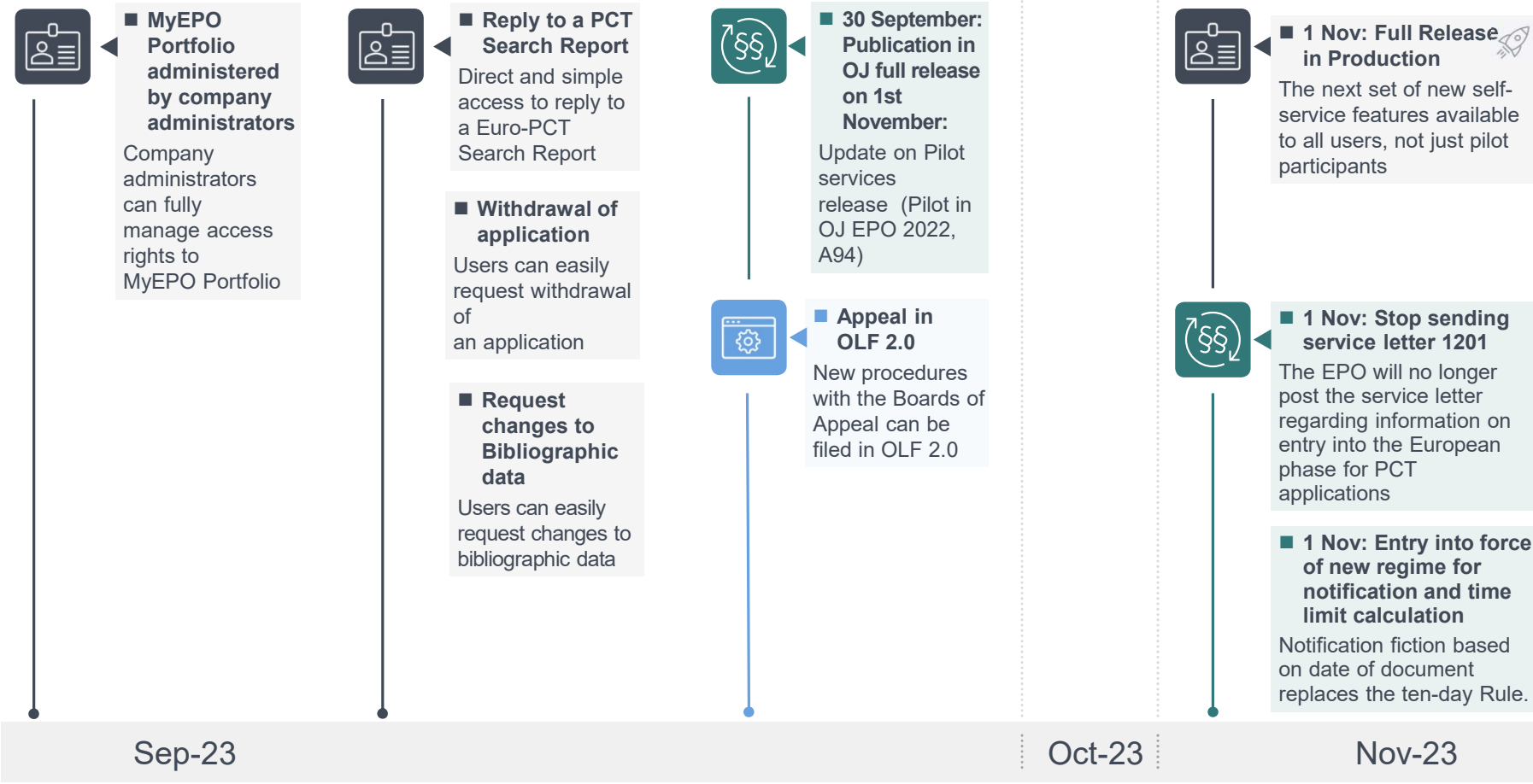
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DECOMMISSION

Pilot phase 3

Roadmap 2023

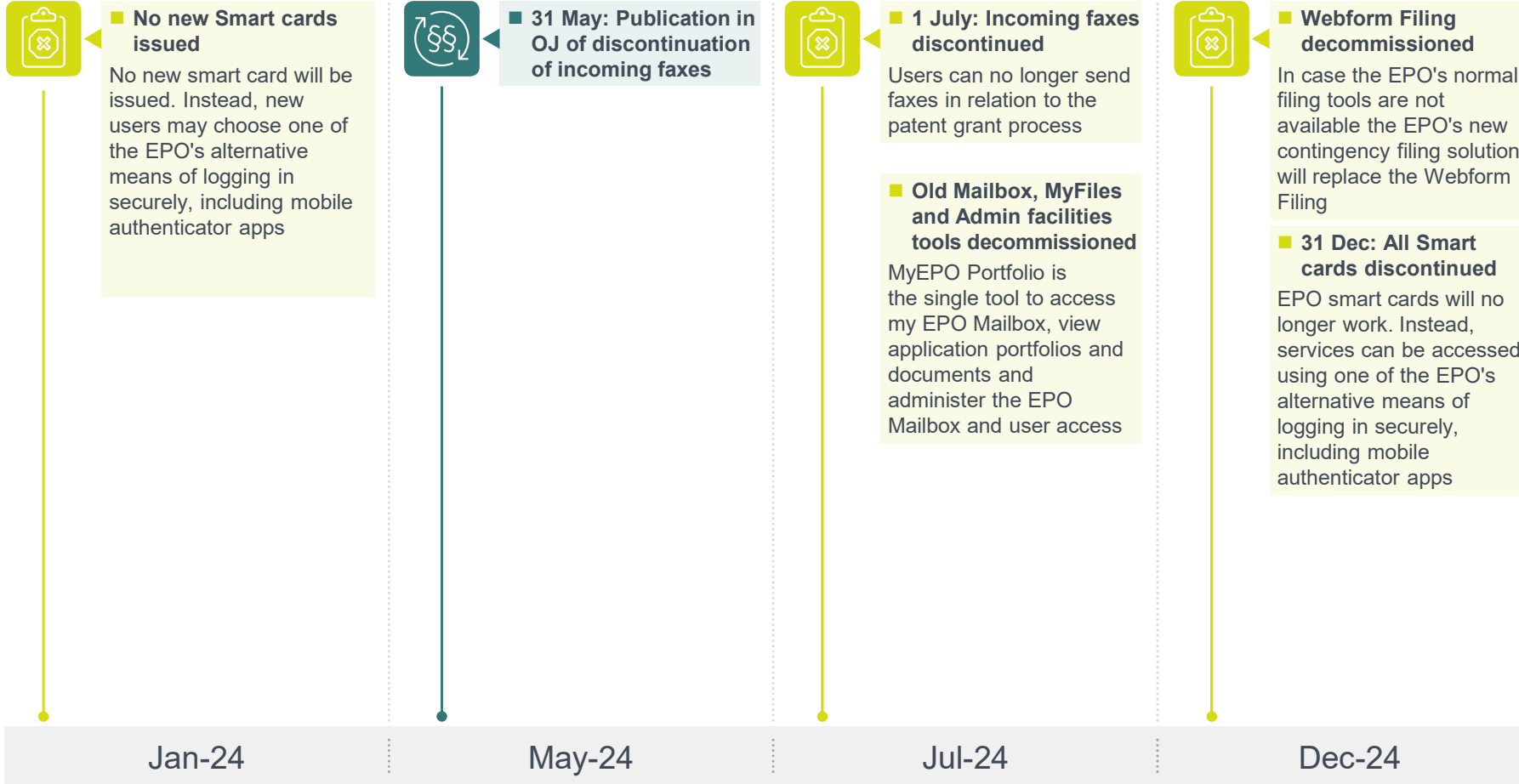


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Pilot phase 3

Roadmap 2023



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