

# EPC 2000 - Further Processing

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# Further processing (FP)

Art. 121, R 135

- Scope of application
- Procedure
- Fees
- Effect

# Scope of application

- FP under new law for ***all patent applications pending when EPC 2000 enters into force***
  - where period for FP has not yet expired
- FP for all time limits to be observed by the **applicant** vis-à-vis the EPO
  - no FP for patent proprietors, opponents, etc.
  - no FP for time limits vis-à-vis national authorities

Art. 121(1)

# Time limits for which FP ruled out

- **Under Art. 121(4)**

- priority period
- time limit for appeal
- time limit for petition for review

Art. 87(1)

Art. 108

Art. 112a

- **Under IR**

- period for filing translations under Art. 14(2) and (4)
- seeking remedies under Art. 61
- subsequent filing of declaration of priority
- subsequent filing of parts of description or drawings

Art. 121(4), R 135(2)

R 6(1), (2)

R 16(1)(a)

R 52(2), (3)

R 56

# Time limits for which FP ruled out

- subsequent communication of information on deposit of biological material R 31(2)
- payment of further search fees R 64
- payment of renewal fees R 51(2)-(5)
- time limits in connection with
  - reference to previously filed application R 40(3)
  - examination on filing R 56
  - correction of deficiencies R 58, 59
  - application for appealable decision R 112(2)

# Important time limits for which FP is available under new law

- time limits for payment of filing, search, designation and examination fees
- time limit for filing request for examination

# Procedure

no significant changes under new version

- **Time limit for requesting FP**
  - 2 months after notification of missed time limit or loss of rights
- **Filing of request**
  - by paying prescribed fee for FP
- **Completion** of omitted act within time limit for requesting FP
- **Decision** by department competent to decide on omitted act

R 135(1)

R 135(1)

R 135(1)

R 135(3)

# Fees

## FP fee

- in the event of late payment of a fee: 50% of the relevant fee
- in all other cases and in the event of late performance of the acts required under R 71(3): € 210



# Effect

- If request granted, application treated as if failure to observe time limit had never occurred

Art. 121(3)

**Thank you for  
your attention!**