

Informal Consultation on a Proposed Change to the Choice of Address for Service for EP(UK) on grant – From Proprietor to EPO Representative

Current Practice

1 The Patent Office's practice is that proprietors can tell us of the address for service (AFS) they want as soon as they know their EP(UK) application will be granted (usually on receipt of the EPO notice under EPC 51(4)). Form 51/77 is used to tell us of a change of agent and/or AFS. If we are not told of an AFS, then we treat the proprietor's address as the AFS.

What we propose to do in future:

2 Following suggestions from representative groups we propose to take the EPO representative's address as the AFS unless we have been told of another AFS we should use.

Background:

3 Our EP Translations section deals with over 15,000 applications a year where the application was not filed in English and has received a small number of complaints about our current procedure.

4 Since April 2006 an AFS has been allowed anywhere in the European Economic Area or in the Channel Islands. We only require an AFS in the UK for inter partes proceedings, and even then we may allow a non-UK AFS in a particular case. This applies whether we chose an applicant as AFS (as at present) or the EP representative (as proposed).

5 As this proposal would involve only a relatively small change in procedure, we are only consulting informally. The consultation is by the inclusion of these notices with TRA1 letters sent in December 2006 and January 2007 and via this website.

How to Respond

6 You may reply in writing to:
Paul Twyman
Room 3Y58
The Patent Office
Cardiff Road
Newport
South Wales
NP10 8QQ

or by e-mail to consultation@patent.gov.uk,

Your response may be published unless you specifically request us to keep it confidential.

Response Form: Please reply by 23 February 2007.

If you want your comments to remain confidential please tick this box

Name

Organisation

Address

E-mail

Telephone

If you are responding on behalf of a representative group, please give a summary of the people or organizations that you represent.

Please tick one box from the list below that best describes you:

Small to medium enterprise

Big business

Non-Government organization

Rights holder

Representative organization

Interest group

Local Government

Central Government

Other (please describe)

I prefer to keep the system under which, unless told of another AFS, the Patent Office will chose the first named applicant as AFS.

I prefer to change the system so that, unless told of another AFS, the Patent Office will chose the EP Representative as AFS.

Please give any further comments on the proposal:

What happens next?

We will take account of the responses and consider whether to change procedure to take the EP representative as AFS. If we do decide to change this will be publicised before any change is made.