

TRANSLATION COSTS FOR GRANTED EUROPEAN PATENTS

Filing a single patent application at the European Patent Office is a cost-effective way of potentially obtaining patent protection across most of Western Europe and in an increasing number of Eastern European countries. However, the costs of translating the granted European patent into the languages of all of these territories can be very high.

The "London Agreement" aims to significantly reduce these costs in a number of European countries, presently including Denmark, France, Germany, Iceland, Latvia, Luxembourg, Netherlands, Slovenia, Sweden, Switzerland and United Kingdom. Following approval by the French Council of Ministers on 24 August 2007, it is now expected that France will ratify the agreement in early 2008 which means that the agreement would enter into force three months later.

Under the agreement, countries that have an official language of English, French or German cannot require translation of the patent specification beyond that provided in the granted patent. Countries not having an official language of English, French or German must specify one of those languages as their "designated" language and can require translation of the specification into that language together with translation of only the claims into their official language.

Cost implications

The potential cost savings for patent applicants are such that we wish to alert you to this development now, in case the likely reduction in costs at the grant stage would influence your or your clients' decision whether to file an EPO application in the first place. (The Agreement will affect all patents *granted* after it comes into force.)

For a typical patent specification with 20 pages of description and 2 pages of claims, registered in selections of EPC countries, the expected overall cost reductions will be as shown below:

Patent registered in countries:	Cost reduction for national phase
Germany, France, UK	55 %
Austria, Belgium, Switzerland, Germany, Denmark, Spain, Finland, France, UK, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Sweden	20 %
All EPC member countries	15.5 %

Costs can be expected to fall further if and when more countries sign up to the agreement.

Incidentally, Norway is expected to join the European Patent Convention with effect from January 2008, thus leading to further cost savings for patent protection in Europe.

Please let your usual contact know if you need further information.

The information in this Newsletter was correct at the date of release. More up to date information is available by contacting Eric Potter Clarkson LLP. All comments contained here are of a general nature and full professional advice should be sought on any specific problem.

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