

Search Cooperation EPO –LRPV : the impact for the Latvian Applicant

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Working agreement between the EPO and the Patent Office of the Republic of Latvia.

- Subcontracting of search activities of prior art
- EPC does not apply
- However full harmonisation on the substantive patent law matter in the EPC and LV law (novelty /inventive step / disclosure of the invention)
- Latvian Patent Law : decision of the director of LRPV

Filing of the Latvian application / requesting search report

- **Advantage** : applicants can manage their patent risks at a early stage by :
 - withdraw the application if a patent seems unlikely
 - evaluate the chance to obtain a European Patent
 - amend the application before filing a subsequent European or PCT application (PCT direct)

Importance of the quality of the first application

- Application prepared preferably by an European/National patent attorney
- Claims should be clear and concise
- Translation into English shall be prepared by a translator , avoid machine translation,
- Unity of invention : if any doubt , filing of several national applications

The (national) search report prepared by the EPO

- Results of the search report accompanied by a written opinion received 9 months after filing date (still 3 months before the end of the priority year)
- In case of complains or questions : contact the LRPV , not the EPO
- Analyse carefully the results of the SR for a subsequent second filing (EP or PCT).

Preparation of the subsequent EP or PCT application

- Amendment of the claims
- Introduction of the closest prior art found in the SR
- Sometime change the presentation of the application :
new problem/solution
- Adding of the last improvements of the invention
- Claiming the priority of one or more national applications

Preparation of the subsequent EP or PCT application

- Filing of the application in Latvian + translation English
- Reduction of the filing fee (EP) and examination fee (EP+PCT):
 - 30% reduction for SMEs , natural persons, non-profit organisations, Universities and public research organisations.
- Compensation of the translation costs when requesting after grant the effect of a unitary patent (500 EUR)

Refund of the search fee (EP or PCT)

- Full or partial refund of the search fee
- Notice from the European Patent Office dated 9 January 2009 concerning the criteria for refund of the search fees:
OJ EPO 2009, 99.
- Decision of the President of the European Patent Office dated 21 February 2014 concerning the refund of search fees under Article 9(2) RFees: **OJ EPO March 2014, A30**
- Decision of the President of the European Patent Office dated 21 February 2014 concerning the refund of search fees by the EPO acting as ISA: **OJ EPO March 2014, A29**

REFUND SYSTEM OF THE SEARCH FEE AS OF 01.04.2016
Search report already carried out at a national stage by the EPO

<u>1st filing at the LRPV</u> <u>without a search report prepared by the EPO</u> <u>No search fee paid by the applicant</u>		<u>1st filing at the LRPV</u> <u>with a search report prepared by the EPO</u> Search fee by the applicant at LRPV : 670,75 EUR SMEs , Universities, Natural Persons, Research institutes [Search fee paid by LRPV to the EPO : 2 683 EUR] (support Cooperation EPO 75% 2012.25 EUR) SR+ WOISA	
<u>2d filing</u> <u>PCT application</u> ISA = EPO	<u>2d filing</u> <u>Euro direct application</u> ISA = EPO	<u>2d filing</u> <u>PCT application</u> ISA = EPO	<u>2d filing</u> <u>Euro direct application</u> ISA = EPO
PCT search fee 1 875 EUR SR+ WOISA	EP search fee 1 300 EUR SR+ ESOP : EESR	PCT search fee 1 875 EUR SR+ WOISA Refund 100% 1 875 EUR	EP search fee 1 300 EUR SR+ ESOP : EESR refund 84% 1 092 EUR amount finally paid 208 EUR
EURO-PCT		EURO-PCT	
no supplementary search		no supplementary search	
Examination fee 1 825 EUR without EESR	Examination fee 1 635 EUR without EESR	Examination fee 1 825 EUR without EESR	Examination fee 1 635 EUR with EESR
Fees paid by the applicant (search + examination) 3 700 EUR	Fees paid by the applicant (search + examination) 2 935 EUR	Fees paid by the applicant (search + examination) 1 825+671 = 2 496 EUR Difference 1200 EUR , -32%	Fees paid by the applicant (search + examination) 1 843+671 = 2 514 EUR Difference 420 EUR , -15%

Impact of the search on national stage / European Patent Grant

- using the results of the search on the national stage enables to speed the EP grant procedure

	Grants	Non direct grants	Direct Grants	% of Direct Grants
FR	9005	5203	3802	42%
CH	2676	1721	955	36%
DE	29061	18730	10331	36%
GB	6505	5144	1361	21%
KR	1510	1249	261	17%
JP	23331	19669	3662	16%
US	34808	30101	4707	14%
AU	697	614	83	12%

Thank you for your attention

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European Patent Office, Munich

www.epo.org

