



Europäisches  
Patentamt

European  
Patent Office

Office européen  
des brevets

# The London Agreement: European patents and the cost of translations

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## European Patent Organisation: 31 member states, 23 languages

# European Patent Organisation

### Member states of the European Patent Organisation [on 01.07.2005]

	Austria
	Belgium
	Bulgaria
	Cyprus
	Czech Republic
	Denmark
	Estonia
	Finland
	France
	Germany
	Greece
	Hungary
	Iceland
	Ireland
	Italy
	Latvia
	Liechtenstein
	Lithuania
	Luxembourg
	Monaco
	Netherlands
	Poland
	Portugal
	Romania
	Slovakia
	Slovenia
	Spain
	Sweden
	Switzerland
	Turkey
	United Kingdom

### The three official languages of the European Patent Office are English, French and German.

- After grant, European patents can be translated into Bulgarian, Czech, Danish, Dutch, Estonian, Finnish, Greek, Hungarian, Icelandic, Italian, Latvian, Lithuanian, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Turkish.



### Extension states [on 01.07.2005]

	Albania
	Bosnia and Herzegovina
	Croatia
	Former Yugoslav Republic of Macedonia
	Serbia and Montenegro

## One procedure to get a European patent in 31 countries

The European Patent Office [EPO] grants European patents on the basis of a centralised and standardised procedure for the contracting states to the European Patent Convention.

The major advantage of this system is that the applicant can get a European patent by filing **just one patent application** in **any of the three EPO official languages**, in English, French or German. Another advantage is that the application is examined by a single patent office.

From 1980 to 2005, the EPO granted 760 700 European patents.

## The national validation phase

Once a European patent is granted, it is up to the patent proprietors to determine the geographic scope of protection required: they can “validate” their patent in one, several or all of the 31 member states of the European Patent Organisation.

In the validation phase, the **European patent must be translated into the official languages of the states** in which the patent proprietor is seeking protection. This places a **heavy financial burden** on companies: for example, having a European patent fully translated **into one other language** costs approximately EUR 1 400 <sup>1</sup>.

If patent proprietors wish to have their inventions protected in the 31 member states of the European Patent Organisation, they need to have their European patent fully translated **into 22 languages** at a cost of almost EUR 30 800.

In practice, European patents are validated in just seven states <sup>2</sup> on average, requiring translation **into five languages** at a cost of EUR 7 000.

Translation costs are one factor limiting the geographic scope of protection of a European patent and explain why far more patents are validated in some countries than in others. States with fewer designations benefit to a lesser extent from patents as a driver of innovation and technology transfer.

In the interests of the cohesion of the European market – the world’s largest regional market – what is needed is a simple and efficient way of validating European patents granted by the European Patent Office **throughout Europe**. Under the current system, **the high translation costs deter** patent proprietors.

<sup>1</sup> The average European patent is 22 pages long (claims, description, drawings), 20 pages of which have to be translated. One page of translation costs EUR 70.

<sup>2</sup> France, Germany, Italy, the Netherlands, Spain, Switzerland and the United Kingdom.

## Translations – money lost to innovation?

- When a European patent application is published 18 months after the date of filing or priority, the invention to which the application relates is disclosed publicly for the first time. This information is vital for anyone wanting to follow the latest developments in a particular field of technology.
- However, **an average of three to four years elapses after filing before the information contained in the patent is actually translated into the national languages of the states** in which the patent proprietor seeks protection for his invention.
- Translation at such a late stage penalises the most innovative European companies. The large sums spent each year on translations are a drain on R&D budgets, and are a form of tax on innovation given that the technology described in the translations is no longer “cutting edge”.
- Those interested in the latest developments in a technical field have no alternative but to learn other languages. In Europe, technical knowledge and know-how is mainly published in English, French and German.

### A few facts about European patents

1. In 2005, inventors and companies throughout the world filed 60 762 patent applications and 67 917 Euro-PCT applications with the European Patent Office.
2. European patent applications are published 18 months after the filing date or, if priority has been claimed, 18 months after the priority date.
3. English, French and German are the three official languages of the European Patent Office. In practice this means that:
  - Applicants can file their applications and communicate with examiners at the European Patent Office in any of these three languages
  - Before a European patent is granted, the claims have to be translated into the other two languages.

## The London Agreement: an optional protocol to complement and strengthen the European patent system

In June 1999, France convened an intergovernmental conference of the member states of the European Patent Organisation. One of its aims was to reduce the cost of European patents. This conference laid the groundwork for the London Agreement which was concluded in October 2000.

Under Article 1 of the Agreement, any state having English, French or German as an official language agrees **to dispense with** the translation requirements.

- This provision affects Austria, Belgium, France, Germany, Ireland, Luxembourg, Monaco, Switzerland and the United Kingdom.
- Under the Agreement, these states agree **to dispense with the translation of the description and the legends accompanying drawings** into their national language when the language of the proceedings before the European Patent Office is not their national language. However, **the claims will always be available** in the three EPO languages.

Article 1[2] and [3] of the Agreement concerns states having an official language that is not English, French or German.

- These states agree **to dispense with** the translation requirements if the European patent has been granted in the official language of the European Patent Office prescribed by that state.
- They continue to have the right to require a translation of the **claims** in one of their official languages.

Under Article 2 of the London Agreement, **in the case of a dispute** relating to a patent, the patent proprietor must, at his own expense, supply a **full translation** of the patent to the alleged infringer and to the competent court.

## Entry into force of the London Agreement

One key factor is that the Agreement is **optional**.

Only eight states [including France, Germany and the United Kingdom] need to ratify or accede to it.

- This means that the Agreement does not have to be ratified by all member states of the European Patent Organisation.
- In July 2006, the Parliaments of ten states – Denmark, Germany, Iceland, Latvia, Monaco, Slovenia, Switzerland, the Netherlands, Sweden and the United Kingdom – had approved the Agreement. Seven states had deposited the instrument of ratification or accession.

## What purpose does the London Agreement serve?

The London Agreement was concluded to lower the translation costs faced by patent proprietors.

- To protect an invention in seven states<sup>3</sup>, proprietors of a European patent will only need to provide two full translations and three translations of the claims at an estimated cost of EUR 3 600.
- The current cost of producing the five full translations required is EUR 7 000.
- The reduction in translation costs would thus be around 45%.
- As more states become party to the London Agreement, patent proprietors will be able to validate their patents in a greater number of states without having to meet almost prohibitive translation costs.

This should benefit inventors and companies with a strong patenting track record, primarily European industry, to which more than half of European patents are granted.

### **The money currently spent by inventors and companies on translations could thus be redirected towards R&D.**

As a result, European industry should become considerably more competitive and increase its innovative capacity, in line with the EU's Lisbon objectives.

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<sup>3</sup> "Standard" 22-page European patent [including four pages of claims] validated in seven states [France, Germany, Italy, Netherlands, Spain, Switzerland, United Kingdom], five of which are party to the London Agreement.

## The London Agreement – taking account of innovators' needs

- In practice, it is European patent **applications** that innovators regard as their main source of technical information.
  - These applications are published 18 months after the filing or priority date in the language of the proceedings before the European Patent Office [English, French or German].
  - To perform an effective technology watch, it has long since been necessary to consult European patent applications in all three languages.
- After grant, ie three to four years after filing, patent proprietors pay for translations of European patents published by the national patent offices, even though
  - the translations are published too late in most fields of technology to be of any real use
  - it is common knowledge that the translations – unlike first publications – are not consulted.

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