

Notes on Authorisation (EPA/EPO/OEB Form 1003)

I. General instructions

These notes explain how to complete
EPA/EPO/OEB Form 1003.

The use of this form is recommended for
authorising representatives before the European
Patent Office (EPO): **professional
representatives** and **legal practitioners** under
Article 134(1) and (8) EPC, employees under
Article 133(3), first sentence, EPC and
associations of representatives under
Rule 152(11) EPC. If the person authorised
(hereinafter: "**authorisee**") is an employee who is
not a professional representative or a legal
practitioner, the party giving the authorisation
(hereinafter: "**authorisor**") must declare that the
authorisee is their employee either on the
authorisation form itself (in the authorisee field) or
in a covering letter. As to the case referred to in
Article 133(3), second sentence, EPC, no
implementing regulation has been adopted as yet.

Professional representatives whose names appear
on the list maintained by the EPO, and legal
practitioners entitled to act as representatives
under Article 134(8) EPC, who identify themselves
as such are required to file a signed authorisation
only in the cases specified under Rule 152(1) EPC
in conjunction with Article 1 of each of the
decisions of the President of the EPO dated
8 July 2024 on the signing and filing of
authorisations and on the signing and filing of
authorisations in proceedings under the Rules
relating to Unitary Patent Protection (OJ EPO
2024, A75 and A76 respectively).

By contrast, employees who are representing a
party under Article 133(3), first sentence, EPC but
are neither professional representatives nor legal
practitioners must always file a signed
authorisation or refer to a general authorisation
already on file (Rule 152(1) EPC in conjunction
with Article 2 of each of the above-mentioned
decisions of the President of the EPO dated
8 July 2024 (OJ EPO 2024, A75 and A76)).

Authorisations covering more than one application
or patent are to be filed in the corresponding
number of copies (Rule 152(2) EPC).

All decisions, summonses and communications
will be sent to the appointed representative
(Rule 130 EPC), except where employees
(Article 133(3) EPC) are authorised, in which case
these documents are sent to the applicant.

An authorisation does not terminate vis-à-vis the
EPO upon the death of an authorisor unless

expressly provided otherwise on a separate sheet
(Rule 152(9) EPC).

Please note that filing an authorisation is distinct
from appointing a representative vis-à-vis the EPO
for a specific case and therefore does not
automatically imply the appointment of the
authorised representative. Please therefore always
provide an explicit appointment in addition to filing
the authorisation.

Form 1003 is available on the EPO website
(epo.org).

II. Filling in the form

The numbering below corresponds to the sections
of Form 1003 "Authorisation".

1. Enter in the box the name and address of the
authorisor and the state in which their residence
or principal place of business is located, in the way
specified in Rule 41(2)(c) EPC:

"Names of natural persons shall be indicated by
the person's family name, followed by his given
names. Names of legal persons, as well as of
bodies equivalent to legal persons under the law
governing them, shall be indicated by their official
designations. Addresses shall be indicated in
accordance with applicable customary
requirements for prompt postal delivery and shall
comprise all the relevant administrative units,
including the house number, if any."

Where the authorisation is given by more than one
party, the details for the additional authorisors
must be indicated on an additional sheet.

2. Enter here the **authorisee's** name and the
address of their place of business in the same way
as specified in note 1 above. Please also specify
here whether the authorisee is a professional
representative, a legal practitioner, an employee or
an association of representatives. If an association
of representatives within the meaning of
Rule 152(11) EPC is authorised, the name and the
registration number of the association must be
given.

Where the authorisation is given to more than one
representative, the details for the additional
authorisees **must be indicated on an additional
sheet.**

3. Please indicate in what capacity the authorisor(s)
is (are) giving the authorisation by checking the
appropriate box.

4. Enter the number of the European patent application or the European patent for which the authorisation is given. An individual authorisation may cover more than one application or patent and entitles a representative to take all procedural acts on behalf of the authorisor(s) with regard to those applications or patents. However, the **powers** mentioned separately on the form (to act in PCT proceedings, **to act in proceedings relating to the European patent with unitary effect**, to receive payments and to issue a sub-authorisation) must each be **expressly** granted by checking the applicable boxes.
5. Checking this box entitles the representative to act in proceedings established by the Patent Cooperation Treaty.
6. The EPC provisions governing representation apply *mutatis mutandis* to any proceedings relating to European patents with unitary effect (Rule 20(1) and (2)(I) of the Rules relating to Unitary Patent Protection). Checking this box entitles the representative to act in proceedings relating to the European patent with unitary effect, including filing a request for unitary effect.
7. The EPC provisions on authorisations also apply to **sub-authorisations** (Article 133(3), first sentence, and Rule 152 EPC).
8. A revocation does not extend to any general authorisation which may have been given.
9. Signature(s) of the authorisor(s). Authorisations may be authenticated by a handwritten signature, a facsimile signature, a text string signature or a digital signature under the conditions specified by the EPO (see Article 3 of each of the above-mentioned decisions of the President of the EPO (OJ EPO 2024, A75 and A76) and the notice from the European Patent Office dated 8 July 2024 concerning the signing and filing of authorisations (OJ EPO 2024, A77)). Where the authorisation is signed on behalf of a legal person, **only such persons as are entitled to sign by law, by the legal person's articles of association or equivalent or by a special mandate may do so**. In all cases, an indication is to be given of the signatory's position within the entity entitling them to sign (e.g. president, director, company secretary; Geschäftsführer, Prokurist, Handlungsbevollmächtigter; président, directeur, fondé de pouvoir). Employees signing on behalf of a legal person must print their name and their position within the company. They must be entitled to sign legally binding acts by national law, by the legal entity's articles of association or equivalent, or by a special mandate. It lies within the responsibility of the authorisor to ensure that the signatory is duly entitled to sign the authorisation according to the national law applicable. The EPO reserves the right to request documentary proof of the signatory's authority to sign if the circumstances of a particular case necessitate this.
An authorisation bearing the signature of a person not entitled to sign will be treated as an unsigned authorisation.