

Notes on the request for registration in the European Patent Register of the transfer of one or more European patent applications/patents (Rules 22 and 85 EPC) (EPO Form 5050)

There is no obligation to use EPO Form 5050 and it does not guarantee registration in the European Patent Register. It is intended as an aid for the error-free filing of requests.

The EPO will record a transfer of rights in respect of a pending European patent application/patent in the European Patent Register on request, upon fulfilment of the requirements of Rule 22 EPC. These requirements are: filing a duly signed request, paying the corresponding administrative fee, where applicable (see point 6 below), and providing the required evidence (Guidelines for Examination, E-XIV, 3).

The request must relate to applications or patents for which the EPO is competent to register changes in the European Patent Register.

Processing requests concerning international applications

Requests under Rule 92bis PCT concerning applications pending in the international phase should be filed with the International Bureau of WIPO ("IB"). If such a request concerns more than one application, the IB usually requires the filing of a list of all applications concerned (for further information, please consult the IB).

The recording of changes under Rule 92bis PCT takes effect only if received by the IB before the expiry of 30 months from the priority date. If, after that, i.e. when the IB is no longer competent to record a change, a requester sends the EPO a request to change its address or that of its agent, or to change the agent, the EPO will apply the requested change when communicating with the applicant/agent until the entry into the European phase at 31 months. The EPO will process such requests only if they do not require the submission of evidence or are not deficient in any way. In particular, in the case of bulk requests, a list of the application numbers concerned is always required.

Requests concerning granted patents

After grant, transfers can only be registered during the opposition period or during pending opposition proceedings (Rule 85 EPC).

After that, registration of changes is a matter for the national offices of the designated contracting states.

Requests concerning unpublished European patent applications

Registration of the transfer of a European patent application can be requested at any time. The transfer will however be entered in the European Patent Register only after publication of the application (Article 127 EPC).

1. Request

Please select the relevant checkbox. Select the second checkbox where the application/patent has been transferred several times e.g. in a chain of transfers from A>B>C>D and only the last applicant/proprietor is to be entered in the European Patent Register. In this case each transfer must be proved, but only one administration fee is due, where applicable (see point 6 below).

On the other hand, if each transfer is to be recorded in such a way as to allow all successive applicants/proprietors to appear in the history of the European Patent Register, a separate form must be completed for each transfer to be recorded and an administration fee paid for each one, where applicable (see point 6 below).

2. Applications/patents concerned

Always indicate the European patent application number as follows: eight digits and a check digit.

Select the second checkbox if the request relates to more than one application/patent, and attach an annex listing each European patent application number concerned. File the request in relation to the first application number only ("leading application"), not for each application/patent: the EPO will, as a matter of course, add the request to each file indicated on the list.

To facilitate processing, you are invited, after having filed the request, to send a list of all the application numbers concerned as an Excel file (XLS or XLSX) by email to support@epo.org. The subject line should contain the term "bulk request" and mention the number of the leading application in which the bulk request was filed. The subject could be worded as follows: "Bulk request filed in application xx xxx xxx.x".

3. Assignor

Enter here the name and address of the assignor as registered in the European Patent Register. If several co-applicants/co-proprietors have assigned their rights, use an additional sheet. The name and address of the assignors must be the same as those recorded in the Register.

4. Assignee

The family name should come before given names. Legal persons or bodies equivalent to legal persons must be identified by their exact official name. If there are several assignees, use an additional sheet.

The names and addresses of the assignees must be the same as those indicated in the document proving the transfer.

If more than one applicant/proprietor is mentioned in the European Patent Register or if the registration of transfer being requested concerns more than one assignee, the provisions of Rule 151(1) EPC apply.

An address for correspondence may be given only by applicants/proprietors who are not obliged to appoint a professional representative authorised to act before the EPO (Art. 133 EPC) and have not appointed one. It must be the applicant's/proprietor's own address, and located in an EPC contracting state (see OJ EPO 2014, A99). The address will not appear in the European Patent Register or in other EPO publications (OJ EPO 1980, 397) (Guidelines for Examination, A-III, 4.2.1).

5. Extent of the transfer

To facilitate processing, it is recommended that you select the relevant checkboxes although not doing so does not constitute a deficiency provided that the evidence submitted is explicit and unambiguous (Art. 71 EPC and Guidelines for Examination, E-XIV, 3).

6. Payment of the fee

Registration of the transfer may be subject to the payment of an administrative fee under the conditions laid down by the President of the EPO (see Rule 22(2) EPC). No fee is due when the request is filed via MyEPO Portfolio (see the decision of the President of the EPO dated 25 January 2024 revising the Office's fees and expenses, OJ EPO 2024, A5). Where the request is filed via other means, the administrative fee remains due. In the latter case, the request for registration is not deemed to have been filed until the administrative fee has been paid (Rule 22(2) EPC). In the case of a chain of transfers, e.g. from applicant A > B > C > D and if only the transfer from applicant A > D is to be registered, only one fee is due. However, if each transfer is to be registered separately, the fee is due for each transfer and for each application/patent.

The fee can be paid by bank transfer, by credit card or by debiting a deposit account held with the EPO.

For payments from a deposit account, the debit order must be filed in an electronically processable format (XML) via an accepted means of filing in respect of each individual application (see Guidelines for Examination, A-X, 4.2.3). The only recognised way to make payments for multiple applications is to use the batch functionality in Central Fee Payment (see the notice from the EPO dated 19 July 2022 concerning Central Fee Payment, OJ EPO 2022, A81). If fees for multiple applications are paid under a single application using e.g. Online Filing, i.e. by amending the amount, the EPO will refund the fees paid for all but the first application; this may result in a later effective date of the transfer for all other applications concerned.

Please note that administrative fees for the registration of a transfer of rights (fee code 022) cannot be paid via the automatic debiting procedure (see Annex A.1 to the ADA – Arrangements for the automatic debiting procedure (AAD)).

7. Evidence

Section 7 lists the most frequently filed documents in support of a transfer. This list is not exhaustive and is merely an aid for the error-free filing of requests; not selecting a checkbox does not constitute a deficiency provided that convincing evidence is filed with the request.

Any kind of written evidence suitable for proving the transfer is admissible, e.g. the instrument of transfer itself, i.e. the contract signed by the assignor and the assignee, or other official documents or extracts thereof (the original or a copy thereof), provided they clearly verify the transfer. A document that mentions the transfer but does not actually verify it is insufficient proof (Guidelines for Examination, E-XIV, 3 and 4).

A declaration of the transfer of one or more European patent applications/patents (EPO Form 5055) is sufficient as proof of a transfer, provided that it is duly signed by both parties, i.e. the assignor(s) and the assignee(s).

The evidence must be filed together with the request and contain the following information:

name and address of the registered applicant(s)/proprietor(s),
name and address of the new applicant(s)/proprietor(s),
EP or PCT application/publication number(s),
signature of both the assignor(s) and assignee(s) (Art. 72 EPC).

The evidence may be filed in any language (Rule 3(3) EPC). However, if that language is not an official EPO language, a translation into one of those official languages must be supplied.

8. Representative

Please select the relevant checkbox. If a new representative is appointed or is to be appointed pursuant to Article 133(2) EPC, you are invited to complete EPO Form 5060 provided for this purpose.

9. Signature

A request to record a transfer may be signed by the applicant/proprietor, an interested party or their duly authorised representative.

Employees representing natural or legal persons having their residence or principal place of business in a contracting state must submit an authorisation in accordance with Article 133(3) EPC and the decision of the President of the EPO dated 12 July 2007 on the filing of authorisations (Special edition No. 3, OJ 2007, L.1).

Liquidators, curators, administrators, receivers, etc. will need to submit a copy of their official deed of appointment.

If the request is signed by a professional representative or a legal practitioner (see Article 134(8) EPC), please indicate the party/parties represented.

Final remark

Please check that the request is accompanied by all the necessary documents.

If no evidence is filed or the evidence presented is found to be unsatisfactory or, where applicable, fees have not been paid by valid means, the EPO will invite the requester to remedy the stated deficiencies within a given time limit.

If the request complies with the requirements of Rule 22 EPC, the transfer is registered with the date on which the request, the required evidence or the fee has been received by the EPO, whichever is the latest. In the case of a minor formal deficiency however (e.g. the request has been signed but the name and/or position of the person signing is/are missing), the transfer is registered with the date of receipt of the request provided the deficiency is remedied within the given time limit.

On the above date, the transfer becomes effective vis-à-vis the EPO, i.e. from that date the newly registered applicant/proprietor is entitled to exercise their right to the European patent application/patent in proceedings before the EPO (Art. 60(3) EPC). If the transfer was for certain designated states only, Art. 118 EPC applies (Guidelines for Examination, E-XIV, 3).