

Notes on the statement concerning licences of right in respect of a European patent with unitary effect (EPA/EPO/OEB Form 7001)

I. General instructions

These notes explain how to complete EPA/EPO/OEB Form 7001.

The following legal texts form the basis for filing a statement concerning licences of right:

- Regulation (EU) No 1257/2012 of the European Parliament and of the Council of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection
- Rules relating to Unitary Patent Protection (UPR)
- Rules relating to Fees for Unitary Patent Protection (RFeesUPP)

EPA/EPO/OEB Form 7001

It is not mandatory to use Form 7001 to file a statement concerning licences of right, but it specifies all the information required for its filing to be admissible and hence facilitates its registration. It is therefore recommended that you use this form.

Form 7001 is available on the EPO website (epo.org).

Information brochure – “Unitary Patent Guide”

The “Unitary Patent Guide”, available at epo.org/unitary-patent, outlines the provisions relevant to obtaining, maintaining and managing European patents with unitary effect and, in particular, offers practical advice to smooth the way to them.

It also deals with the accessory procedures relating to European patents with unitary effect, such as those to be followed under the compensation scheme for translation costs or in respect of licences of right, and gives an overview of the rules governing the payment of renewal fees for European patents with unitary effect.

Means of filing

1. Online

Form 7001 may be filed online, i.e. via EPO online filing (eOLF), Online Filing 2.0 or the EPO Contingency Upload Service. For more details go to epo.org or direct to epo.org/en/applying/myepo-services.

2. By post or in person

Only the original of Form 7001 needs to be filed; copies are not required.

Form 7001 and any attachments must be filed **directly with the EPO in Munich, its branch at The Hague or its sub-office in Berlin, but not at its sub-offices in Vienna and Brussels.**

II. Filling in the form

The numbering below corresponds to the sections of Form 7001 “Statement concerning licences of right in respect of a European patent”.

1. Data concerning the patent

European patent No.

Enter the number of the European patent with unitary effect for which the statement concerning licences of right is to be registered.

2. Patent proprietor(s)

Enter here the name and address of the proprietor(s) of the European patent with unitary effect.

The family name should come before given names. Legal persons or bodies equivalent to legal persons must be given their exact official designation.

The name and address must be the same as those recorded in the Register for unitary patent protection.

Address for correspondence

An address for correspondence may be given only by proprietors who are not obliged to appoint a professional representative authorised to act before the EPO (Article 133 EPC) and have not appointed one. It must be the applicant's own address and be located in an EPC contracting state (see OJ EPO 2014, A99).

Additional proprietor(s) on additional sheet

If applicable, check the box.

3. Representative

Section 3 must be completed if a professional representative or a legal practitioner entitled to act as such (Article 134(1) and (8) EPC) is appointed. It should not be completed in cases of proprietors who have their residence or principal place of business in an EPC contracting state and are acting through an employee (Article 133(3), first sentence, EPC) or if a joint proprietor is appointed as common representative (see Rule 151(1) EPC).

Under Rule 20(1) and (2)(l) UPR, Articles 133 and 134(1), (5) and (8) EPC and Rules 151 to 153 EPC apply *mutatis mutandis*. In other words, almost the entire EPO regime applies. The term “Contracting State” used in Articles 133 and 134 EPC is to be understood as meaning the EPC contracting states and not the participating Member States.

Patent proprietors who have their residence or principal place of business in an EPC contracting state may act on their own behalf in proceedings before the EPO with respect to the European patent with unitary effect.

If neither your residence nor your principal place of business is in an EPC contracting state, you must appoint a representative and act through that representative in all proceedings before the EPO. The payment of fees, however, is not subject to compulsory representation (Article 6 RFeesUPP).

Representative's name

If a representative is appointed, the representative's name and address of place of business must be given, in accordance with Rule 41(2)(c) EPC.

Address of representative's place of business

This address may contain the name of the company or firm in which the representative is employed.

Additional representative(s) on additional sheet

If applicable, check the box. Those representatives not named in section 3 must be named on a signed additional sheet.

4. Authorisation

Check the box if the undersigned is a professional representative.

In accordance with the decision of the President of the EPO dated 8 July 2024 on the signing and filing of authorisations in proceedings under the Rules relating to Unitary Patent Protection, professional representatives, and legal practitioners entitled to act as representatives under Rule 20(1) UPR in conjunction with Article 134(8) EPC, who identify themselves as such are required to file a signed authorisation only in particular circumstances (see OJ EPO 2024, A76).

However, an employee acting for a proprietor under Rule 20(1) UPR in conjunction with Article 133(3), first sentence, EPC who is neither a professional representative nor a legal practitioner under Rule 20(1) UPR in conjunction with Article 134(8) EPC must file a signed authorisation, unless an authorisation has already been filed which expressly covers proceedings relating to the European patent with unitary effect (see also section 5.)

If such employees do not file an authorisation, the EPO will ask them to do so within a non-extendable period of two months. If they still fail to comply, any procedural steps performed by them will be deemed not to have been taken (Rule 20(2)(l) UPR in conjunction with Rule 152(6) EPC).

If an authorisation is required, you should, if possible, attach it to the form to avoid delaying the proceedings.

If an authorisation is attached, check the box.

5. Reference to a previously filed authorisation

A previously filed authorisation may be referred to only if this authorisation allows the representative to represent the proprietor in proceedings before the EPO relating to the European patent with unitary effect.

Authorisations filed with EPO Form 1003 11.11 or 1004 09.11 before the entry into force of the unitary patent protection system **do not** fulfil this requirement.

Check the relevant box and enter the related information to enable the EPO to retrieve the authorisation referred to.

6. Statement concerning licences of right

Article 8(1) Regulation (EU) No 1257/2012 and Rule 12(1) UPR provide that proprietors of a European patent with unitary effect may file a statement with the EPO that they are prepared to allow any person to use their invention as a licensee in return for appropriate consideration.

Renewal fees for their European patent with unitary effect which fall due after receipt of this statement will then be reduced by 15% in accordance with Article 3 RFeesUPP.

A statement under Rule 12(1) UPR cannot be filed as long as an exclusive licence is recorded in the Register for unitary patent protection or a request for the recording of such a licence is pending before the EPO.

Rule 12(4) UPR provides that any request for recording an exclusive licence in the Register for unitary patent protection will be inadmissible once a statement concerning licences of right has been filed, unless that statement is withdrawn under Rule 12(2) UPR.

A withdrawal of the statement will only take effect if the amount by which the renewal fees were reduced is paid to the EPO (Rule 12(2) UPR).

These two boxes are always pre-checked.

7. Signature(s)

Print the signee's name and, in the case of legal persons, position within the entity.

A statement concerning licences of right may be signed by:

- the proprietor (if residence or principal place of business is in an EPC contracting state)
- a professional representative (Article 134(1) EPC)
- a legal practitioner (Article 134(8) EPC)
- a duly authorised employee (Article 133(3), first sentence, EPC)
- the common representative, if there is more than one proprietor (Rule 151(1) EPC).

If the proprietor is a legal person and the statement is not signed by a professional representative or a legal practitioner entitled to act as such under Article 134(1) EPC, it must be signed:

- (a) either by a person entitled to sign by law, by the proprietor's articles of association or equivalent or by a special mandate, with an indication of that person's position within the legal entity, e.g. Geschäftsführer, Prokurist, Handlungsbevollmächtigter; chairperson, director, company secretary; directeur, fondé de pouvoir (Article 133(1) EPC), in which case no authorisation need be filed;

- (b) or, if the legal person's principal place of business is in a contracting state, by another employee under Article 133(3), first sentence, EPC (Rule 152(1) to (3) EPC), in which case an authorisation must be filed (see also the instructions in section 4).