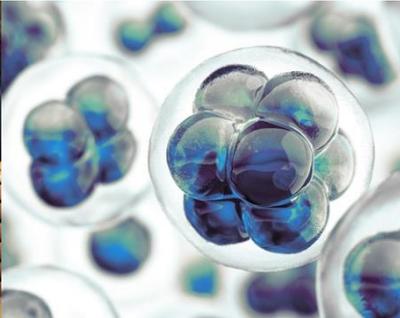




Europäisches  
Patentamt  
European  
Patent Office  
Office européen  
des brevets

# Designation of the inventor

Proceedings of the Working Group and common practice adopted



# Defining a common practice – the process of WG2

## Phase 1

### Setting up a Working Group:

- 19 participants
  - 17 contracting states
  - 1 extension state
  - EPO
- BA, BG, DE, DK, EE, ES, FI, FR, GR, HU, IS, IT, LV, MC, PL, RS, SM, UK, EPO

# Defining a common practice – the process of WG2

## Phase 1

### Setting up a Working Group:

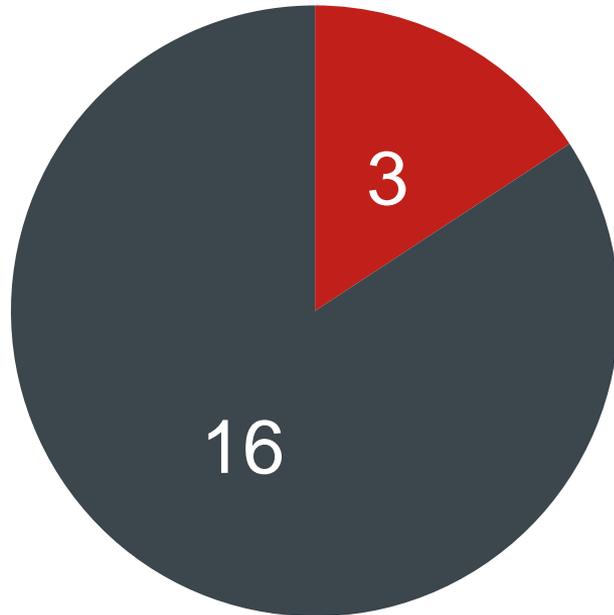
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## Phase 2

### Establishing the existing practices:

- Questionnaire
    - 19 replies
    - Commonalities
    - Differences
- Possibility for convergence

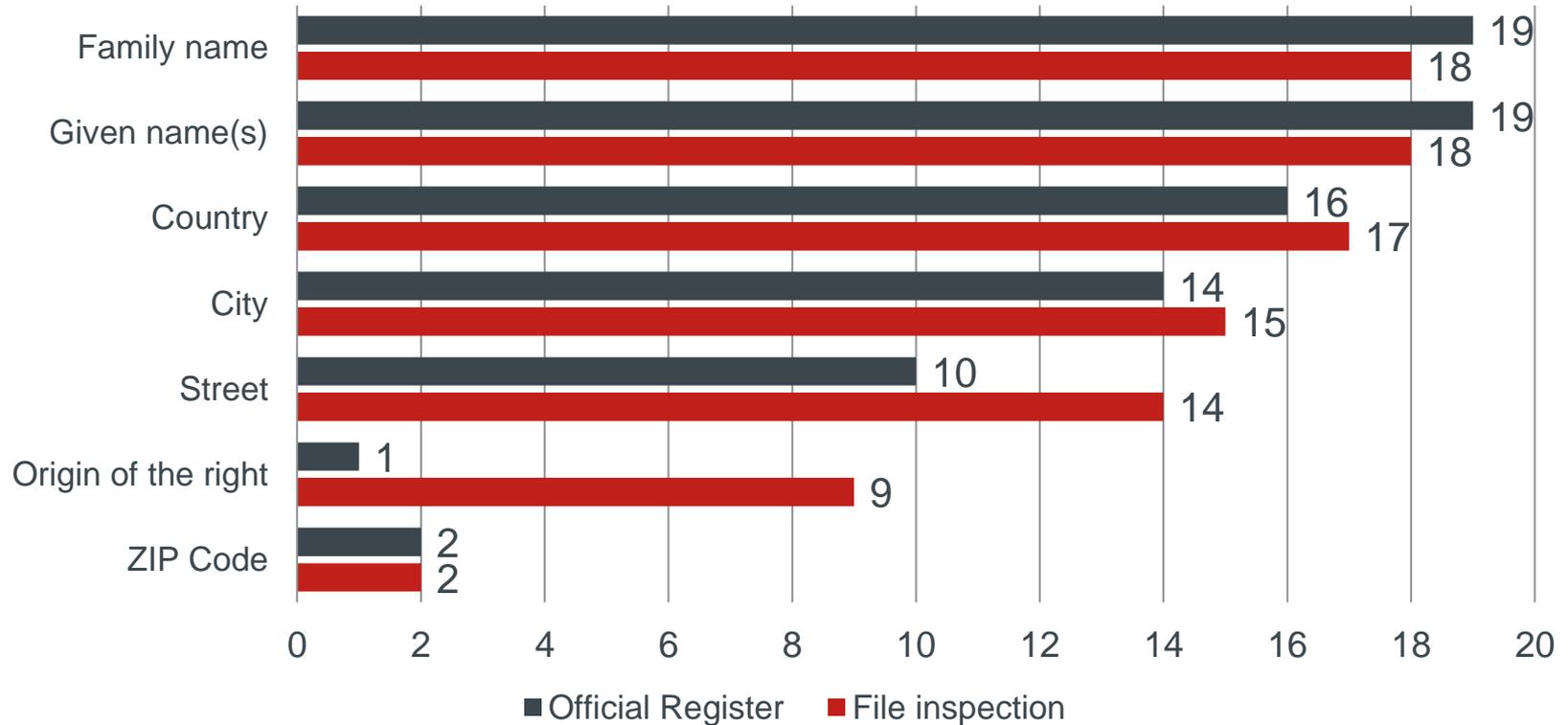
# Notification to inventors about their designation



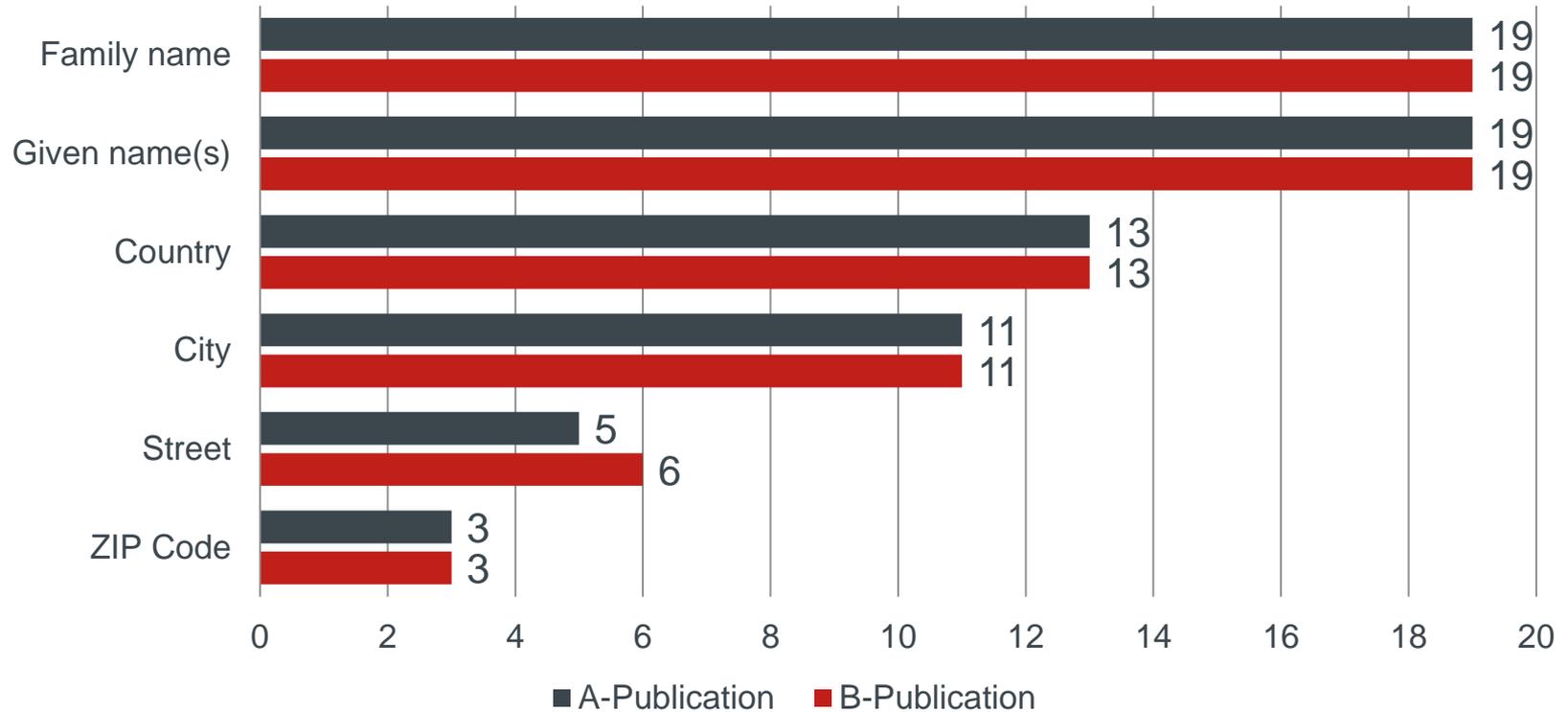
■ Inform inventor   ■ Do not inform inventor

- The vast majority of national offices do not inform inventors about their designation.
- Only three offices including the EPO notify inventors about their designation.

# Access to inventor data via register and file inspection



# Access to inventor data via A- and B-Publication



# Defining a common practice – the process of WG2

## Phase 1

### Setting up a Working Group:

- 19 participants
  - 17 contracting states
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## Phase 2

### Establishing the existing practices:

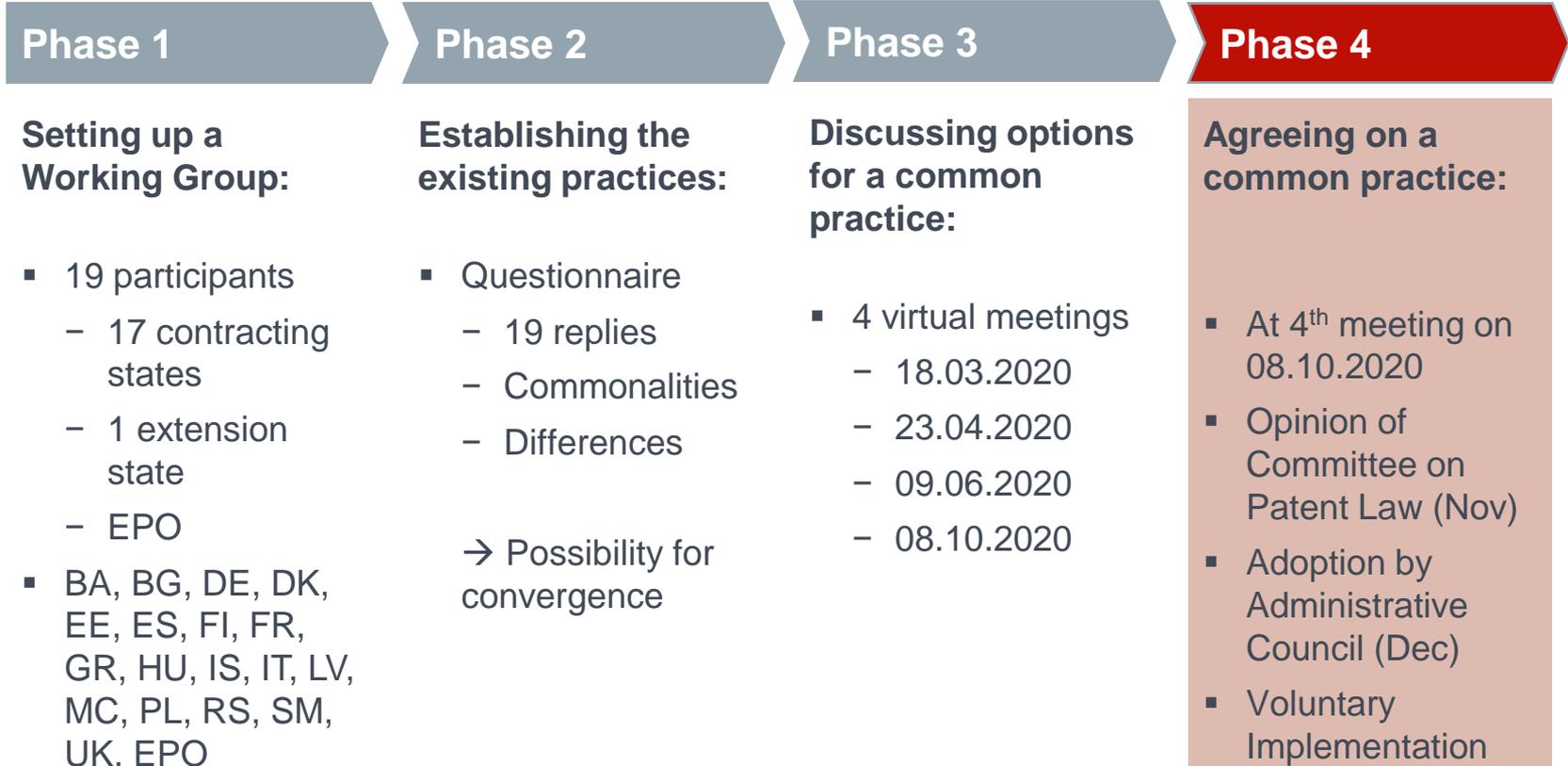
- Questionnaire
  - 19 replies
  - Commonalities
  - Differences
- Possibility for convergence

## Phase 3

### Discussing options for a common practice:

- 4 virtual meetings
  - 18.03.2020
  - 23.04.2020
  - 09.06.2020
  - 08.10.2020

# Defining a common practice – the process of WG2



## Adopted common practice - Notification

- Inventors are not formally notified by patent offices about their designation in a patent application;
- Inventors can instead obtain information about their designation from the applicant, through inspection of the patent register or via file inspection;

## Adopted common practice – Inventor data

- Family name, given name(s), country and place of residence, or, if allowed, of employment of designated inventors are entered in the patent register.
- Additional information about inventors' full addresses is not published in the patent register. This is without prejudice to the right of inventors to waive their right to be mentioned, if available.

# Rule 19(3) and (4) EPC - Notification

Previous wording: Rule 19(3) and (4) EPC Notification of the inventor	Wording as of 1.4.2021: Rule 19(3) and (4) EPC Notification of the inventor
<p>(3) If the applicant is not the inventor or is not the sole inventor, the European Patent Office shall communicate to the designated inventor the information in the document designating him and the following data:</p> <ul style="list-style-type: none"><li>(a) the number of the European patent application;</li><li>(b) the date of filing of the European patent application and, if priority has been claimed, the date, State and file number of the previous application;</li><li>(c) the name of the applicant;</li><li>(d) the title of the invention;</li><li>(e) the Contracting States designated.</li></ul>	<p><b><u>(3) deleted</u></b></p>
<p>(4) The applicant and the inventor may invoke neither the omission of the communication under paragraph 3 nor any errors contained therein.</p>	<p><b><u>(3) deleted</u></b></p>

# Rule 19(1) EPC - Designation

Previous wording: Rule 19(1) EPC Designation of the inventor	Wording as of 1.4.2021 Rule 19(1) EPC Designation of the inventor
<p>(1) The request for grant of a European patent shall contain the designation of the inventor. However, if the applicant is not the inventor or is not the sole inventor, the designation shall be filed in a separate document. The designation shall state the family name, given names and <b>full address of the inventor</b>, contain the statement referred to in Article 81 and bear the signature of the applicant or his representative.</p>	<p>(1) The request for grant of a European patent shall contain the designation of the inventor. However, if the applicant is not the inventor or is not the sole inventor, the designation shall be filed in a separate document. The designation shall state the family name, given names and <b><u>country and place of residence</u></b> of the inventor, contain the statement referred to in Article 81 and bear the signature of the applicant or his representative.</p>

# Rule 143(1)(g) EPC – European Patent Register

Present wording: Rule 143(1)(g) EPC Entries in the European Patent Register	Wording as of 1.11.2021 Rule 143(1)(g) EPC Entries in the European Patent Register
(g) family name, given names and <b>address of the inventor</b> designated by the applicant for or proprietor of the patent, unless he has waived his right to be mentioned under Rule 20, paragraph 1;	(1)(g) family name, given names and <b><u>country and place of residence</u></b> of the inventor designated by the applicant for or proprietor of the patent, unless he has waived his right to be mentioned under Rule 20, paragraph 1;

# Implementation at the EPO

- Notice from the European Patent Office dated 22 February 2021 concerning the amendment of Rules 19 and 143 EPC ([OJ EPO 2021, A12](#)).
  - The place of residence is the city or other municipality where the inventor permanently resides, and includes the postal code. Place of employment accepted.
  - Rule 19(1) EPC as amended applies to any designation of the inventor filed or rectified on or after 1 April 2021.
  - EPO filing tools have been updated accordingly.
  - Amended Rule 143(1)(g) EPC will enter into force on 1 November 2021 and will apply to all patent applications published in the European Patent Register on or after that date.

Do you have any questions?