

Intellectual Property Alert: The London Agreement

2/11/2008

The London Agreement (the "Agreement") will come into force on **1 May 2008** and will enable a reduction in the cost for obtaining patents in Europe because it will significantly reduce post-grant translation costs in Europe.

Up to now, in most member states of the European Patent Convention (EPC), the complete patent specification of a granted European patent has had to be translated into one of the official national languages of the state, otherwise the patent would be deemed void *ab initio*.

Under the Agreement, which was adopted on 17 October 2000, but only recently ratified by sufficient member states to enable it to come into force, several contracting states to the European Patent Convention have agreed largely or entirely to waive the requirement for translations of European patents into their national languages. This means that at least from 1 May 2008, European patent proprietors will no longer have to file translations of their patents in EPC member states that are also party to the London Agreement and have one of the three official languages of the European Patent Office (EPO) (English, French or German) as an official language. In countries that do not have one of the official languages of the EPO as an official language, patentees will only be required to submit a full translation of the patent into one of the EPO official languages designated by that state for that purpose. A translation of the claims into one of the official languages of the member state may still be required.

The Agreement will apply to European patents in respect of which the mention of grant is published in the European Patent Bulletin after the Agreement has entered into force.

So far, Denmark, Germany, Iceland, Latvia, Monaco, Slovenia, Switzerland, the Netherlands, Sweden, the United Kingdom and France have approved the London Agreement. Further contracting states are expected to follow in due course.

In case of dispute, at the request of an alleged infringer or the competent court, the proprietor will have to supply a full translation of the patent into an official language of the state concerned, prepared at the proprietor's own expense. It has yet to be seen whether the London Agreement will in fact reduce the total costs associated with the European patent system or whether it will be beneficial in the long run for European industry as a whole.

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