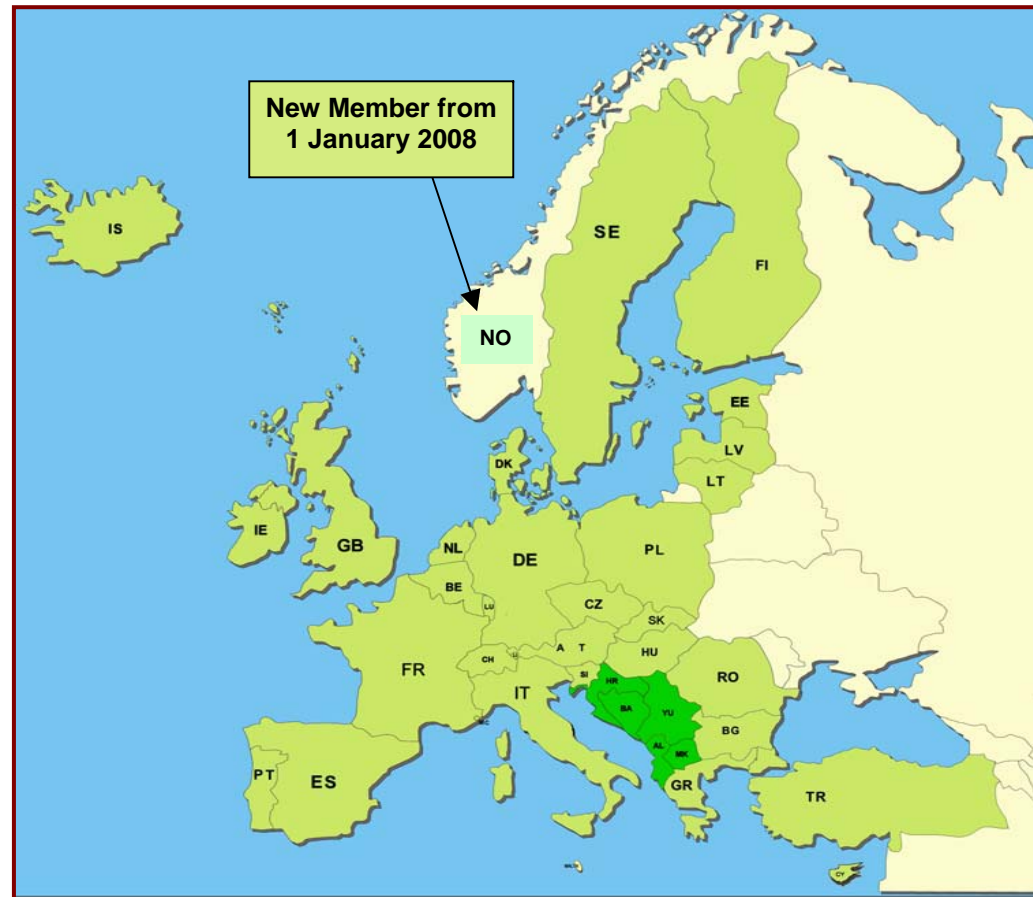


October 2007

33 EP Members
ISO country codes

33 Member Countries of the European Patent System from 1 January 2008

AT Austria
BE Belgium
BG Bulgaria
CH Switzerland
CY Cyprus
CZ Czech Republic
DE Germany
DK Denmark
EE Estonia
ES Spain
FI Finland
FR France
GB United Kingdom
GR Greece
HU Hungary
IE Ireland
IS Iceland
IT Italy
LI Liechtenstein
LT Lithuania
LU Luxembourg
LV Latvia
MC Monaco
MT Malta
NL Netherlands
NO Norway -1.1.2008
PL Poland
PT Portugal
RO Romania
SE Sweden
SI Slovenia
SK Slovakia
TR Turkey



5 Extension States
AL Albania * Invited to join the European Patent System
BA Bosnia-Herzegovina
HR - Croatia *
MK Former Yugoslav Republic of Macedonia *
RS (formerly YU) - Serbia

European Patent System – Upcoming changes

- New member country on 1 January 2008
- EPC 2000 in force 13 December 2007 – Simplifying the system
- London Agreement will come into force – Reducing the cost of European patents

33 Member Countries of the European Patent System from 1 January 2008



33 EP Member Countries

Austria AT
Belgium BE
Bulgaria BG
Cyprus CY
Czech Republic CZ
Denmark DK
Estonia EE
Finland FI
France FR
Germany DE
Greece GR
Hungary HU
Iceland IS
Ireland IE
Italy IT
Latvia LV
Liechtenstein LI
Lithuania LT
Luxembourg LU
Malta MT
Monaco MC
Netherlands NL
Norway NO -1.1.2008
Poland PL
Portugal PT
Romania RO
Slovakia SK
Slovenia SI
Spain ES
Sweden SE
Switzerland CH
Turkey TR
United Kingdom GB

Norway – New Member Country of the European Patent System on 1 January 2008

Norway is one of the richest countries in the world, with a population of only 4.6 million and a GDP of around Euro 243 billion (GDP per capita Euro 52,600). Geographically, Norway is one of the largest European countries (385,00 square kilometres). Norway is the world's third largest exporter of oil and gas, and Europe's largest supplier of fish and fish products. Norway has significant further industries, such as chemicals, metals, paper & pulp.

Although Norway is not a member of the European Union (EU), its membership of the European Economic Area (EEA) secures it full access to the EU's internal market. The EU presently accounts for some three-quarters of Norway's foreign trade.

New Member Country of the European Patent System on 1 January 2008

Norway will become a member of the European Patent system on 1 January 2008, after EPC 2000 comes into force in December 2007.

Norway was one of the countries originally involved in the negotiations leading to the European Patent System more than thirty years ago, but up to now had not ratified the European Patent Convention. Norway is an important addition to the European Patent System.

5 Extension States

Albania AL
Bosnia-Herzegovina BA
Croatia HR
Former Yugoslav Republic of Macedonia MK
Serbia RS (formerly YU)

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Country	Population (Millions) (2005)	GDP (EUR Billions) (2005)	Country	Population (Millions) (2005)	GDP (EUR Billions) (2005)
Austria AT	8.2	246.1	Lithuania LT	3.4	20.6
Belgium BE	10.4	298.2	Luxembourg LU	0.5	29.3
Bulgaria BG	7.7	25.1 (est)	Malta MT	0.4	4.5
Cyprus CY	0.7	13.4	Monaco MC	0.03	0.7 (est)
Czech Rep. CZ	10.2	98.4	Netherlands NL	16.3	501.9
Denmark DK	5.4	208.2	Norway NO	4.6	243 (est)
Estonia EE	1.3	10.5	Poland PL	38.2	243.4
Finland FI	5.2	155.3	Portugal PT	10.5	147.4
France FR	60.6	1710.0	Romania RO	21.6	97.1 (est)
Germany DE	82.5	2247.4	Slovakia SK	5.4	38.1
Greece GR	11.1	181.1	Slovenia SI	2.0	27.4
Hungary HU	10.1	87.9	Spain ES	38.2	904.3
Iceland IS	0.3	10 (est)	Sweden SE	9.0	288.0
Ireland IE	4.0	160.3	Switzerland CH	7.4	270 (est)
Italy IT	58.5	1417.2	Turkey TR	73	485 (est)
Latvia LV	2.3	12.8	United Kingdom GB	60.0	1768.5
Liechtenstein LI			EP TOTAL	56.9	11950
Comparisons					
USA US	295.7	10037.1	Japan JP	127.4	3671.6
China CN (2003)	1306.3	1520 (est)			

EPC 2000 – In force from December 2007 - The full significance of the changes made by EPC 2000 will likely only be apparent after some time. The changes which seem most important at present are:-

- 1) a change in how so-called "novelty only" (Article 54(3) EPC) prior art European (EP) applications have effect: Every new EP application will be considered to cover all contracting states for prior art purposes, and so will be capable of acting as "novelty only" prior art against any other EP application.
- 2) a simplification of "second medical use" claims: The direct style of claim, already used for first medical indications, will also be available for second and further medical uses of a substance.
- 3) introduction of a Doctrine of Equivalents: familiar from US practice, such a doctrine was not previously recognised by the EPO. The EPO regards this as a cosmetic change. It points out that there is neither a binding definition of equivalents, nor a specification of exactly how they are to be taken into account.
- 4) a new centralized EPO procedure for amending (limiting, not broadening) EP patents after grant: Presently, to amend a granted EP patent, it is necessary to use separate national procedures in each designated state.
- 5) the possibility for Board of Appeal decisions to be reviewed: EPC 2000 introduces the possibility of a "petition for review" to the Enlarged Board of Appeal. However, it appears that the review will be restricted to fundamental procedural errors in the original appeal proceedings, so there will be no second appeal instance for revising decisions on substantive issues (e.g. novelty or inventive step).
- 6) a range of procedural changes which generally make the European system more user-friendly, in part to comply with TRIPs/PLT, as follows:
 - an application in any WTO member country can be used to establish priority
 - a claim to priority can be added up to 16 months from the priority date concerned
 - no translation of a priority document has to be filed unless needed to verify a priority claim
 - claims will no longer be needed on filing to obtain an EP filing date
 - possibility to obtain a filing date without any specification, so long as an earlier application in another country, on which the EP filing is based, is clearly identified (need not be the priority application)
 - broadening of "further processing" options (i.e. extensions of time on payment of a fee)
 - restoration of priority available if the EP application is filed more than one year after the priority date

The transitional provisions for EPC 2000 are quite complex. In general procedural changes will apply to all EP applications pending on the date EPC 2000 comes into force, whilst substantive changes will apply only to EP applications filed after the date EPC 2000 comes into force.

The European Patent System extends to countries outside those of the European Union (EU). At present five non-EU countries are members of the system Iceland, Norway, Turkey, Switzerland and Liechtenstein.



The London Agreement – expected to be in force in the first half of 2008 – Significantly reducing the costs of European patents by removing requirements for translations

Following ratification by France, the London Agreement can be expected to enter into force for the following countries: (1) Germany, (2) United Kingdom, (3) France. (4) Netherlands, (5) Switzerland and (6) Liechtenstein, (7) Iceland, (8) Latvia, (9) Luxembourg, (10) Monaco. (11) Denmark and (12) Sweden have also taken steps needed to bring the Agreement into force. More countries are expected to take the necessary steps to bring the agreement into force.

In the countries in which the Agreement enters into force the requirement for full translations of European patents will be removed. Translations of claims may still be required for some of those countries and removal of the requirement for full translation may only apply if the description of the European patent is available in English.

Full details, and the final in-force date, are not yet known. However, it seems likely that the Agreement will enter into force in the first half of 2008. We are already looking into possibilities for delaying grants of European patents, if desired by our clients, to enable translation costs to be avoided.