

The London Agreement – Entry into force on 1 May 2008

The table below shows which of the EPC Contracting States are party to the London Agreement, together with the translation requirements in each of those States for a European patent granted in English.

As can be seen from the right-hand column in the table, the new translation requirements under the London Agreement will come into effect in most of the States party to the Agreement for European patents granted on or after 1 May 2008.

In the U.K., Switzerland and Liechtenstein, however, the new translation requirements are effective for European patents granted on or after 1 February 2008. This is the result of specific transitional provisions in these countries.

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State	% EP Patents designating the State	Party to the London Agreement?	Translation of claims required?	Translation of description required?	Effective for patents granted on or after
Germany	98.33	YES	NO	NO	1 May 2008*
France	93.53	YES	NO	NO	1 May 2008
U.K.	92.96	YES	NO	NO	1 Feb 2008
Italy	76.28				
Spain	62.95				
Netherlands	61.57	YES	YES - Dutch	NO	1 May 2008
Sweden	59.55	**			
Switzerland	57.85	YES	NO	NO	1 Feb 2008
Liechtenstein	57.85	YES	NO	NO	1 Feb 2008
Belgium	56.61				
Austria	55.91				
Denmark	54.43	YES	YES - Danish	NO	1 May 2008
Ireland	53.99				
Finland	53.92				
Portugal	53.33				
Greece	53.05				
Luxembourg	52.77	YES	NO	NO	1 May 2008
Monaco	51.72	YES	NO	NO	1 May 2008
Cyprus	49.78				
Turkey	39.74				
Czech Republic	22.32				
Slovakia	22.11				
Bulgaria	22.09				
Estonia	22.09				
Slovenia	18.30	YES	YES - Slovenian	NO	1 May 2008
Hungary	16.50				
Romania	15.39				
Poland	4.68				
Lithuania	1.74				
Latvia	1.04	YES	YES - Latvian	NO	1 May 2008
Iceland	0.9	YES	YES - Icelandic	NO	1 May 2008
Malta	***				
Croatia	***	YES	YES - Croatian	NO	1 May 2008
Norway	***				

* The relevant German national law currently has an effective date of 1 September 2008, due to a drafting error when the law was written. The German Ministry of Justice is aware of the error and is seeking to correct it. Thus, we expect the effective date to be changed to 1 May 2008.

** The Swedish parliament has approved the London Agreement and has amended the Swedish Patents Act to implement the Agreement. It is hoped that it will deposit its instrument of ratification in the near future.

*** 2006 is the latest year for which the statistics on the number of European patents designating each contracting state are available. No data is available for these States because they became EPC Contracting States on 01.03.07 (Malta) and 01.01.08 (Norway, Croatia) respectively.

Significant cost savings available

As can be seen from the Table, the London Agreement will come into effect in some of the most frequently designated EPC Contracting States.

For example, the Agreement will come into effect in six of the ten most popular designated States. This will rise to seven if Sweden deposits its instrument of ratification as expected. Hence, applicants will be able to validate their European patents in a number of sought-after States at a much reduced cost.

The EPO estimated¹ that to validate a European patent in Germany, France, the U.K., Italy, Spain, the Netherlands and Switzerland, there will be a 45% saving in translation costs after the London Agreement enters into force.

It can also be seen from the Table that the London Agreement will come into effect in each of the three most designated States (Germany, France and the U.K.). For applicants that usually designate only these three countries, significant cost savings will result because there will no longer be a need to translate the entire specification into French and German. (French and German claims translations will still have to be filed at the EPO before grant).

We estimate the cost of translating a European patent from English into French or German to be around €80 per page, based on there being 300 words per page. For a specification having 30 description pages, an applicant designating UK, France and Germany could therefore expect to save around €4800 in translation costs.

The cost savings may allow applicants to validate European patents in more States, or to file more European patent applications.

¹This estimate is available at: -

[http://documents.epo.org/projects/babylon/eponet.nsf/0/95467998a8361713c125726f004c6590/\\$FILE/The_London_Agreement_en.pdf](http://documents.epo.org/projects/babylon/eponet.nsf/0/95467998a8361713c125726f004c6590/$FILE/The_London_Agreement_en.pdf)

It is based on a European patent having 22 pages, including 4 pages of claims.

Future developments

It is hoped that further EPC Contracting States will join the London Agreement in due course. National political pressures in some States may, however, mean continued retention of full translation requirements. For example, the commercially important EPC States of Italy and Spain have not yet taken any steps towards ratifying the London Agreement, and this may be due to such national political considerations.

An up-to-date list showing the Status of Ratification of the Agreement for each EPC Contracting State is maintained by the EPO at: -

<http://www.epo.org/patents/law/legislative-initiatives/london-agreement/status.html>

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