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Briefing Note on The London Agreement

Summary


The London Agreement is an International Convention between some but not all signatories to the European Patent Convention. The London Agreement seeks to reduce the cost of registering a granted European Patent by eliminating the need for a local language translation of the specification in the signatory countries. Recent announcements have indicated that France is due to ratify the Agreement in November 2007, triggering commencement within the first half of 2008. In fact, in order to be ratified, the Agreement may have to go before the French courts, a process which may take a year or more. If this is the case, then the Agreement will not be in force until early 2009.

The present situation

Currently, after grant of a European Patent, the majority of contracting states require that a translation of the specification be filed at the local Patent Office in the national language. If a translation is not filed, the European Patent is considered void in that state. Translation costs represent a significant burden to patent owners seeking pan-European protection.

The future

Under the London Agreement, the signatories agree to waive the requirement for translation of the specification to be filed in their national language, and may only require a translation of the claims. This will significantly reduce the costs of validating a European patent.



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To date, the signatories of the Agreement are:

- Germany
- Iceland
- Latvia
- Liechtenstein
- Monaco
- The Netherlands
- Slovenia
- Switzerland
- United Kingdom

The EPC member states which have not ratified the Agreement are:

- Austria
- Finland
- Belgium
- France
- Cyprus
- Greece
- Latvia
- Romania
- Lithuania
- Slovakia
- Luxembourg
- Spain
- Czech Republic
- Hungary
- Denmark
- Ireland
- Estonia
- Italy
- Malta
- Sweden
- Poland
- Turkey
- Portugal

The Agreement does not apply to the extension states.

Transition

As yet, there are no transitional provisions. For those European applications which are granted prior to commencement of the Agreement, it is expected that translations will still have to be filed.

Taking advantage

For European applications which designate at least two of the signatory states where currently translations would be needed, then (unless there are overriding commercial requirements) a delay of grant would seem desirable to allow the granted patent to be certainly caught under the Agreement and thereby save on post-grant translation costs. There are a range of things that can be done in order to slow the progress of European patent applications nearing allowance or grant.

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