

No. 2952

**BELGIUM, DENMARK, FRANCE,
FEDERAL REPUBLIC OF GERMANY,
GREECE, etc.**

**European Convention relating to the formalities required for
patent applications (with annexes). Signed at Paris, on
11 December 1953**

Official texts: English and French.

*Registered on 29 September 1955 by the Council of Europe acting on behalf of the
Contracting Parties, in accordance with Resolution (54) 6 of the Committee
of Ministers of the Council of Europe adopted on 3 April 1954.*

**BELGIQUE, DANEMARK, FRANCE,
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE,
GRÈCE, etc.**

**Convention européenne relative aux formalités prescrites
pour les demandes de brevets (avec annexes). Signée à
Paris, le 11 décembre 1953**

Textes officiels anglais et français.

*Enregistrée le 29 septembre 1955 par le Conseil de l'Europe agissant au nom des
Parties contractantes, conformément à la résolution (54) 6 du Comité des Ministres
du Conseil de l'Europe adoptée le 3 avril 1954.*

No. 2952. EUROPEAN CONVENTION¹ RELATING TO THE FORMALITIES REQUIRED FOR PATENT APPLICATIONS. SIGNED AT PARIS, ON 11 DECEMBER 1953

The Governments signatory hereto, being Members of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its Members for the purpose, among others, of facilitating their economic and social progress by agreements and common action in economic, social, cultural, scientific, legal and administrative matters;

Considering that it is in the general interest to simplify and unify as far as possible the formalities prescribed by the various national legislations in respect of applications for patents;

Having regard to Article 15 of the International Convention for the Protection of Industrial Property signed at Paris on 20th March, 1883, revised at Brussels on 14th December, 1900, at Washington on 2nd June, 1911, at The Hague on 6th November, 1925 and at London on 2nd June, 1934,²

Have agreed as follows:

¹ In accordance with article 8, the Convention came into force on 1 June 1955, the first day of the month following the date of deposit of the fourth instrument of ratification, and, as regards each signatory ratifying subsequently, on the first day of the month following the date of deposit of its instrument of ratification.

Following is the list of Parties to the Convention indicating the respective dates of deposit of the instrument of ratification and of the entry into force of the Convention :

Norway	21 May	1954	1 June	1955
Ireland	17 June	1954	1 June	1955
Saar	8 September	1954	1 June	1955
United Kingdom of Great Britain and Northern Ireland	5 May	1955	1 June	1955
Federal Republic of Germany (with declaration*)	17 May	1955	1 June	1955
Greece	15 June	1955	1 July	1955

* DECLARATION — DÉCLARATION

[TRANSLATION — TRADUCTION]

The Federal Government reserves the right to declare that the European Convention relating to the Formalities required for Patent Applications shall also apply to the *Land* Berlin.

On this occasion, the Federal Government repeats the reservation which it made when signing the Convention on 11 December 1953 and which is to the effect that ratification in no way implies recognition of the present status of the Saar.

² *British and Foreign State Papers*, Vol. 74, p. 44 ; Vol. 92, p. 807, and Vol. 104, p. 116 ; League of Nations, *Treaty Series*, Vol. LXXIV, p. 289 ; Vol. LXXXIII, p. 464 ; Vol. LXXXVIII, p. 366 ; Vol. XCII, p. 403 ; Vol. C, p. 246 ; Vol. CIV, p. 512 ; Vol. CVII, p. 506 ; Vol. CXVII, p. 185 ; Vol. CXXX, p. 448 ; Vol. CXXXIV, p. 405 ; Vol. CXXXVIII, p. 443 ; Vol. CXLVII, p. 335 ; Vol. CLVI, p. 205 ; Vol. CLXIV, p. 378 ; Vol. CXCI, p. 17 ; Vol. CCIV, p. 469 ; Vol. CCV, p. 218, and United Nations, *Treaty Series*, Vol. 1, p. 269, and Vol. 32, p. 406.

Article 1

1. An application for a patent in any Contracting State

- (a) may be required to accord with the provisions of Article 2 of this Convention ;
- (b) shall not be denied its date of filing on formal grounds if it complies with the requirements specified in Article 3 of this Convention ;
- (c) shall, if it otherwise complies with the law of that Contracting State, not be refused, so long as the requirements specified in Articles 4 to 6 of this Convention are satisfied.

2. The Contracting States shall make no other formal requirements than those set out in this Convention, but a Contracting State may dispense with any of the requirements contained herein.

Article 2

1. The applicant for a patent may be required to submit :

- (a) an application form ; a Contracting State may, however, require this form in duplicate ;
- (b) a specification of the invention in duplicate ; a Contracting State which makes use of a system of examination for novelty may, however, require this specification in triplicate ;
- (c) drawings necessary for the understanding of the specification, in duplicate, or, if the law of the country in which the application is made requires it, in triplicate ;
- (d) such samples as the law of the country in which the application is made requires ;
- (e) if an agent is employed, a document proving his authorisation to act as such, and, if the law of the country in which application is made requires it, his acceptance of the authorisation ; no legalisation or certification shall be necessary for this document ;
- (f) if the applicant is not himself the inventor according to the law of the country in which the application is made, and if such law requires it, a document proving his status, such as assignee of the inventor, or the assent of the inventor to the making of the application by an assignee ;

(g) the fees required for an application or proof that they have been paid.

2. The application form and the accompanying documents shall be written in the language of, or in a language recognised for the purpose by, the country in which the application is made. The specification filed in support of an application for a patent or certificate of addition may be required to be in the same language as the application for the main patent.

Article 3

1. An application shall not be denied its date of filing on formal grounds if the application form, though it does not comply with the requirements of Article 4, is filed accompanied by :

- (a) one copy of a specification of the invention in the language of, or in a language recognised for the purpose by, the country in which the application is made, even though that specification does not comply with the requirements of Article 5 ;
- (b) one copy of the drawings where necessary for the understanding of the specification, even though those drawings do not comply with the requirements of Article 6 ;
- (c) the amount of the fees or proof that they have been paid.

2. The law of the country in which application is made may fix time-limits within which the other documents mentioned in Article 2 shall be filed or the documents already filed shall be regularised.

3. The Contracting States shall permit applications to be sent by post, provided that nothing in this paragraph shall affect the validity of any laws of any Contracting State relating to the requirement of an agent or of an address for service.

Article 4

1. The application form shall be regarded as formally in order, as regards its size and the kind of paper used, if it is made on strong white paper of a size of 29 to 34 cms. by 20 to 22 cms.

2. The application form shall be regarded as formally in order as regards its contents if it is properly made on one of the standard application forms annexed to this Convention, or if it complies with the provisions of paragraph 2 of Article 2 and contains :

- (a) the surname and first names (or in the case of a body corporate, the name), nationality, domicile or registered office and complete address of the applicant ;
- (b) the full name and address of the agent, if there is one ;
- (c) a short and precise title for the invention, without any fancy names ;
- (d) if the law of the country in which application is made requires it, a declaration stating that the applicant is the true and first inventor or the assignee thereof ;
- (e) a statement whether the applicant requires an independent patent, a patent of importation, a patent for an improvement or a patent or certificate of addition or whether his application is a divisional application.

There shall also be given the number of the patent, or of the application for the patent, to which the application for a patent for an improvement, or for a patent or certificate of addition or the divisional application relates ;

- (f) if there are several applicants and no common agent, the name of the person to whom official communications are to be addressed ;
- (g) the signature of the applicant or that of his agent, if, under the law of the country in which the application is made, the latter is empowered by the applicant to sign. If two application forms are required, only one need be signed ;
- (h) if the law of the country in which application is made requires it, a list of the documents accompanying the application as set out in Article 2 ;
- (i) an address for service in the country in which the application is made, if the applicant's address is outside the country and its law does not require that there be an agent therein.

Article 5

The specification shall be regarded as formally in order if it complies with the provisions of paragraph 2 of Article 2 and with the following conditions :

- (a) it is written on one side only of one or more sheets of strong white paper, 29 to 34 cms. long and 20 to 22 cms. wide ; the sheets are connected together in such a way that they can be separated and re-united without causing any difficulty to the reader ; and the pages are numbered ;
- (b) it is handwritten, typed, lithographed or printed, and easily legible, the ink being dark and indelible ;
- (c) a margin of about 3 or 4 cms. is left on the left-hand side of each sheet as well as spaces of about 8 cms. at the head of the first page and foot of the last ;
- (d) a space sufficient to permit the interlineation of corrections is left between the lines ;
- (e) the specification does not contain drawings other than graphic chemical and mathematical formulae ;
- (f) units of weights and measures are in accordance with the metric system, temperatures in degrees centigrade, and density as specific gravity : for electrical units the rules agreed by international practice are observed and for chemical formulae the symbols, atomic weights and molecular formulae in general use in the country in which the application is made are employed ;