



# *Formal requirements to apply for patent protection*

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# Sections of a patent

## Article 78 EPC, **Requirements of a European patent application**

- (1) A European patent application shall contain:
- (a) a request for the grant of a European patent;
  - (b) a description of the invention;
  - (c) one or more claims;
  - (d) any drawings referred to in the description or the claims;
  - (e) an abstract.

# Important elements

- Article 79 EPC, Designation of Contracting States**
- Article 80 EPC, Date of filing**
- Article 81 EPC, Designation of the inventor**
- Article 82 EPC, Unity of invention**
- Article 83 EPC, Disclosure of the invention: “The European patent application shall disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.”**

# Sections of a patent

## Abstract

Article 85 EPC, : “The abstract shall serve the purpose of technical information only; it may not be taken into account for any other purpose, in particular for interpreting the scope of the protection sought or applying Article 54, paragraph 3.”

# The abstract (Art. 78(1)(e))

Purpose of the abstract: To give brief technical information regarding the disclosure of the invention.

## Content:

1. The title of the invention;
2. Technical sector;
3. A brief overview to allow a clear understanding of:
  - The technical problem;
  - The proposed solution;
  - The main use of the invention.

# Description (Art. 83 EPC)

Article 83 EPC, **Disclosure of the invention**: “The European patent application shall disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.”

## Content:

- Technical sector(s);
- Background art;
- Technical problems and solutions.

## Description (Art. 78(1)(b))

- Sufficiency of the description:
- Person skilled in the art and the implementation of the invention.
- Insufficiency of disclosure → ground for invalidity (Article 138(1)(b) EPC)

## Claims ( Art. 78(1)(c))

Article 84 EPC, **Claims**: “The claims shall define the matter for which protection is sought. They shall be clear and concise and be supported by the description.”

- Function: set out the scope of protection
- Nature: clear and concise; drafted in such a way as to highlight the technical features of the invention.
- Link to abstract, description and drawings.

# The different function of description and claims.

- Description: public-inventor bargain;
- Claims: delineate exactly the space of protection ...
  - Arranged hierarchically