

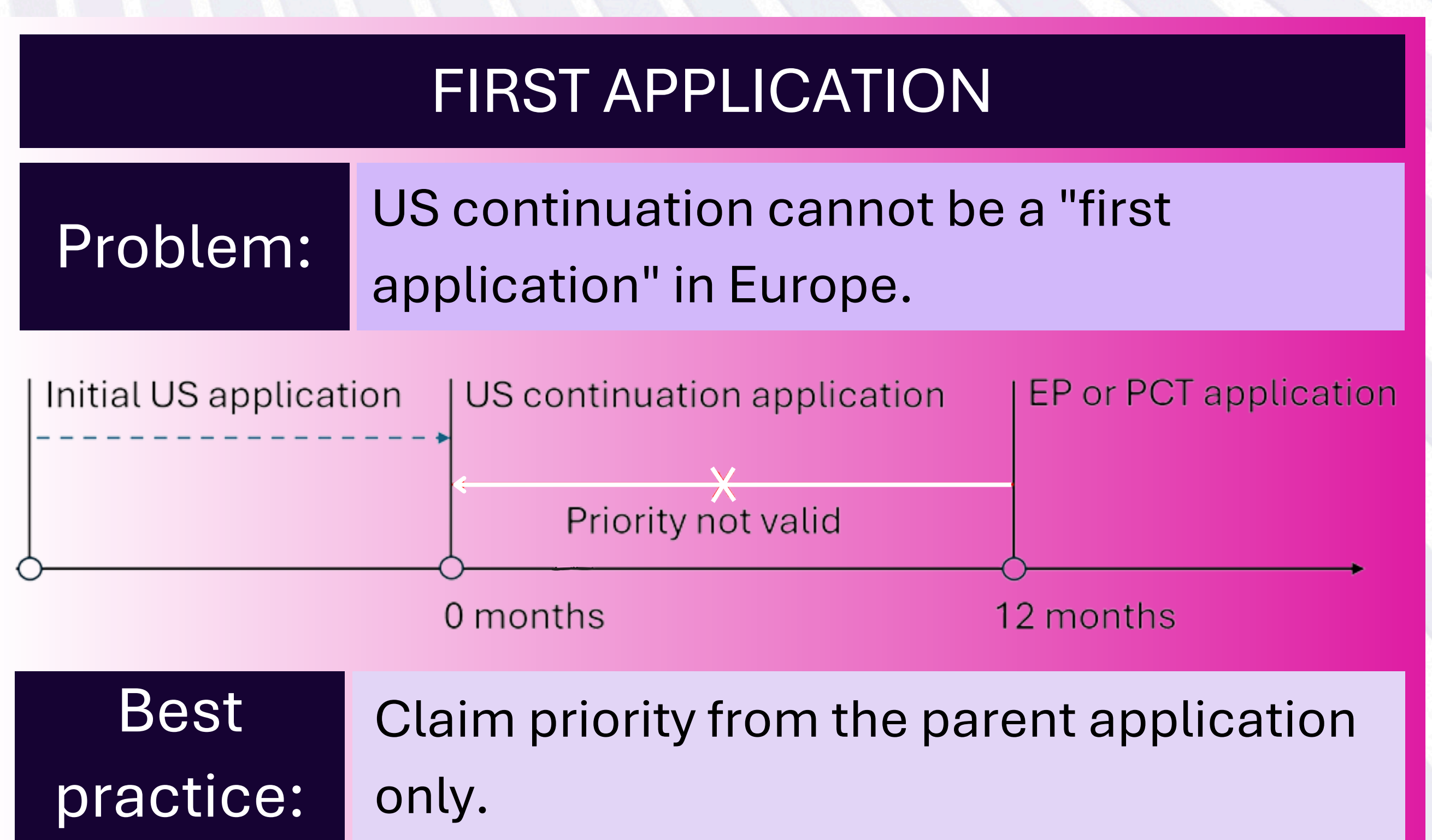
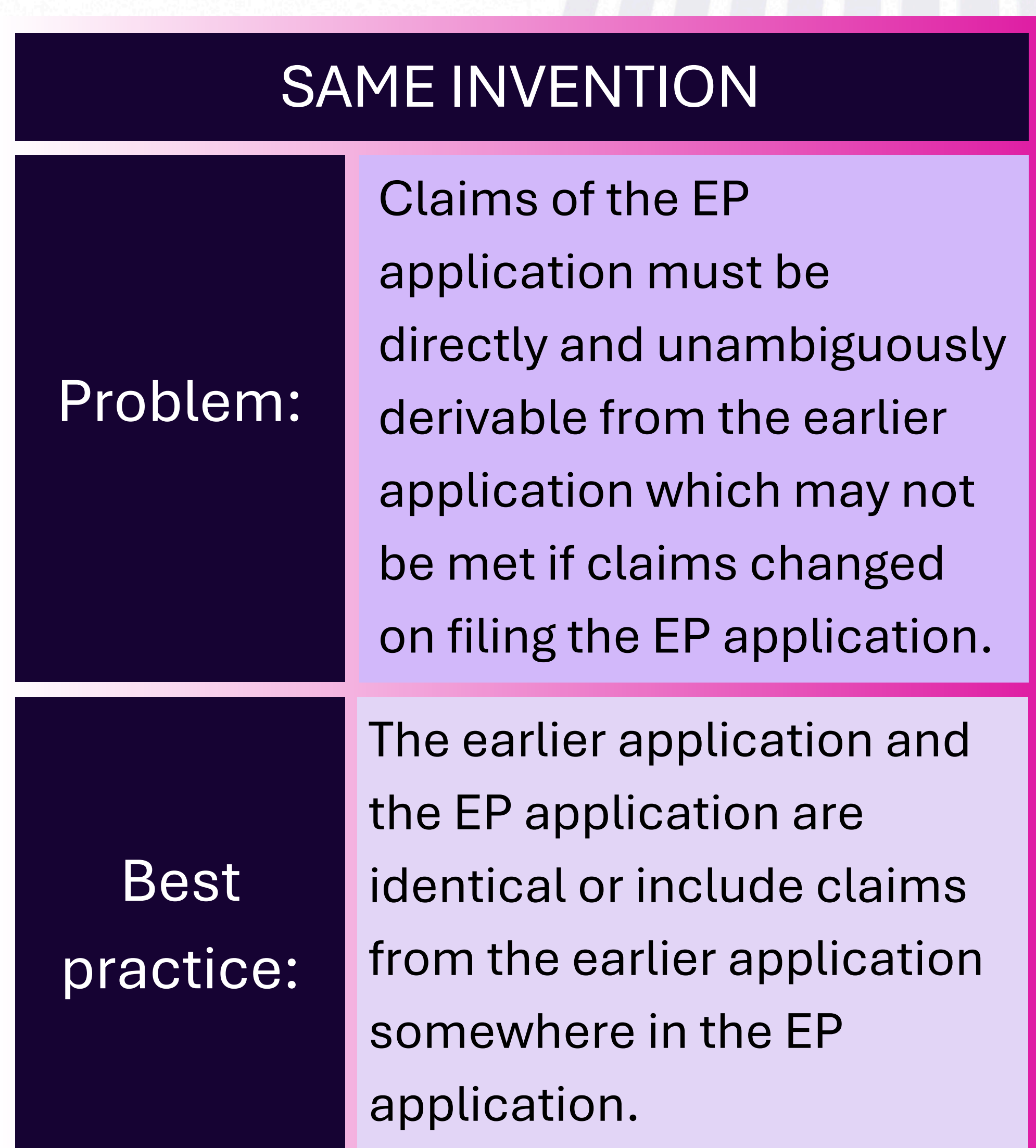
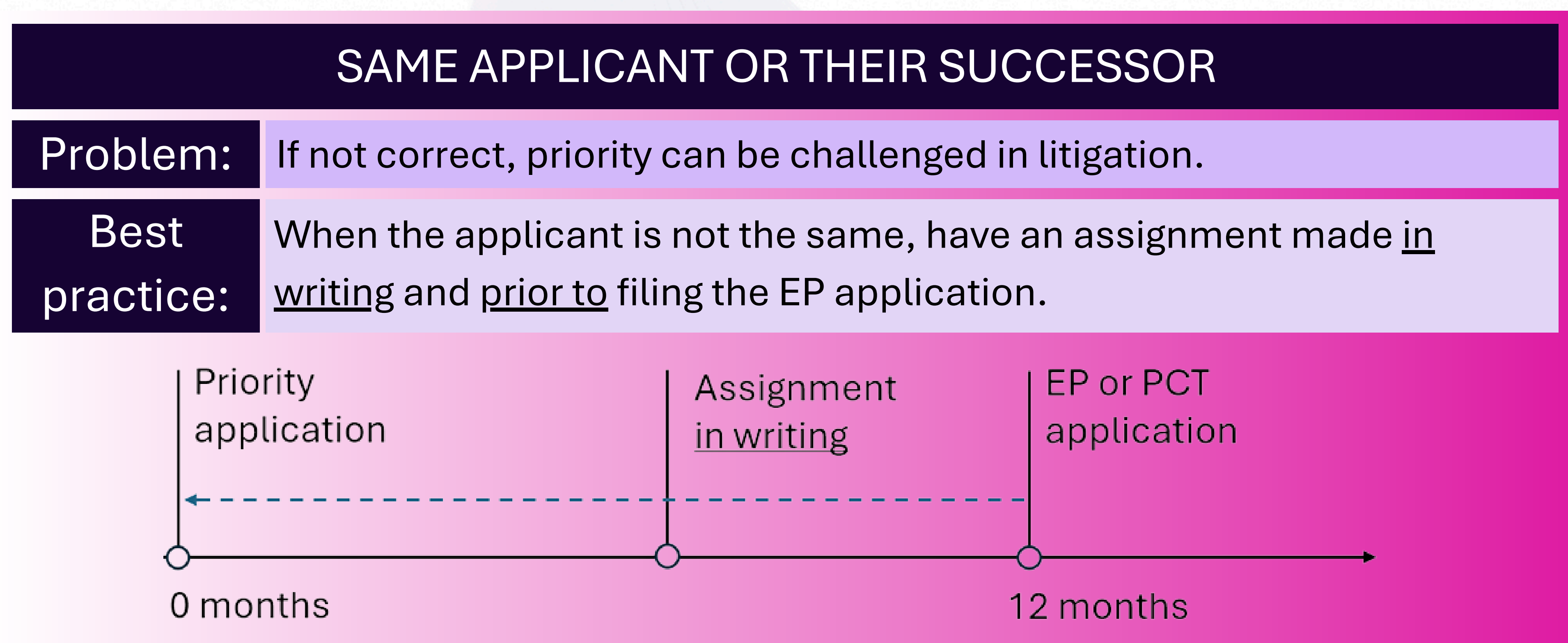
Priority

What you need to know: EPO requirements

For a European (EP) application, priority can be claimed to an earlier patent application if:

- the applicant is the same as or the successor in title of the applicant of the earlier patent application
- the EP application is for the same invention as the earlier application
- the earlier application is the "first application" for the invention and filed in a state party to the Paris Convention or member of the World Trade Organization
- the EP application is made within 12 months from the filing date of the earlier application.

Key considerations to meet EPO requirements

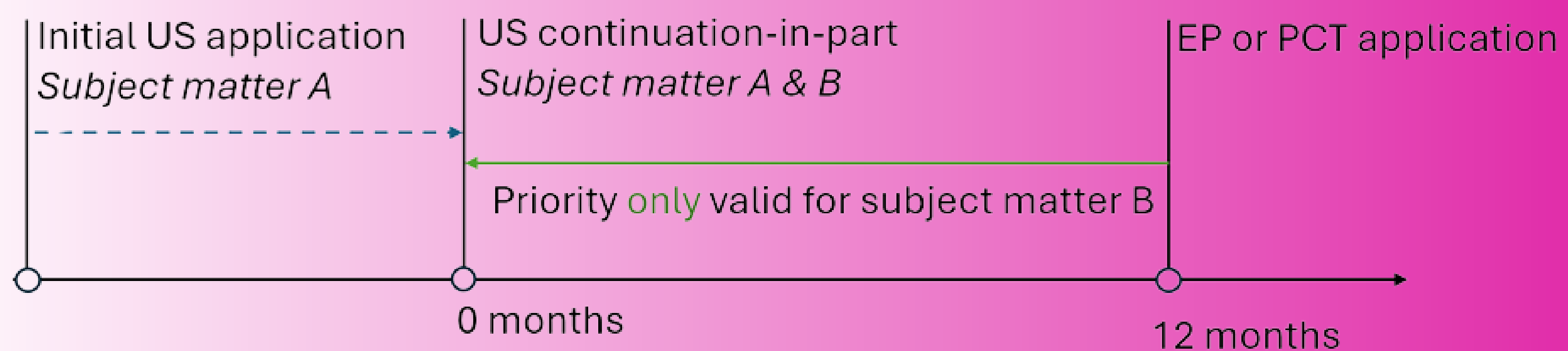


Priority

FIRST APPLICATION

Problem:

US continuation-in-part is the “first application” only for new subject matter added into the continuation-in-part. The parent application can be cited as prior art in Europe.



Best practice:

Claim priority from the parent if possible or file the continuation-in-part application before the publication of the parent application.

12 MONTHS

Problem:

Missing the 12-month period can stop priority being validly claimed.

Best practice:

If the 12-month period is missed, file a EP or PCT application within 2 months of the expiry of the 12 month period with a request for re-establishment of rights demonstrating the deadline was missed despite the applicant and any attorney taking all due care.

