

ANNOUNCEMENT

Article 79 European Patent Convention 2000

The grant of a standard patent in Hong Kong, China is based on the registration of a patent granted by one of three patent offices, called 'designated patent offices'. The European Patent Office, in respect of a patent designating the United Kingdom, is one of the designated patent offices. The European Patent Convention 2000 (EPC 2000), which came into force on 13 December 2007, has introduced a number of changes to the patent application regime in Europe.

One of the changes relates to the deeming provision in Article 79. It provides that all contracting states that are parties to the Convention at the time of the filing of a European patent application are deemed to be designated in the request for grant of a European patent. Withdrawal of the designation of a contracting state can be done at any time up to the grant of the European patent.

Notwithstanding this, in Hong Kong, China, the recognition of a patent application filed with the European Patent Office remains unchanged. Article 79 simply means that the United Kingdom is deemed designated in every application for the grant of a patent in the European Patent Office, and as such those applications are, at the outset, designated patent applications within the meaning of the Patents Ordinance (Cap. 514).

The Patents Registry
Intellectual Property Department
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