

# ABITZ

Patents | Trademarks | Designs

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## Newsletter 2/2012

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### Third Party Observations at the European Patent Office (EPO) ...

- shall be filed in writing,
- shall include the grounds on which they are based,
- may be filed anonymously,
- need not be signed,
- do not require an official fee,
- may be filed online using the corresponding form sheet offered by the EPO (at [tpo.epo.org](http://tpo.epo.org)),
- shall be filed in English, French or German,
- can include cited prior art in any language but a translation into English, French or German is recommended in order to make sure that the cited prior art is considered,
- may be filed for published patent applications (but not for non-published patent applications) and also during pending Opposition and/or Appeal Proceedings,
- should only concern substantive requirements (such as novelty, inventive step, clarity etc.) but not formal aspects,
- are recommended for clarity issues in patent applications because same cannot be raised during Opposition Proceedings,
- will become part of the files which are available to the public by way of online file inspection,
- will be served to the applicant or patentee for comments and
- do not lead to the third party becoming a party of the proceedings before the EPO.