

Notes

to the General authorisation Form (EPO 1004)

- 1 The use of this form is recommended when authorising representatives before the European Patent Office (EPO): **professional representatives** and **legal practitioners** under Article 134(8) EPC; **employees** under Article 133(3), first sentence, EPC and **associations of representatives** under Rule 152(11) EPC. As to Article 133(3), second sentence, EPC no implementing regulation has been issued up to the present time. If the authorisee is an employee who is not a professional representative or a legal practitioner, the authorisor must make a declaration in the general authorisation or in a covering letter that the authorisee is his employee.
- 2 The name and address of the party giving the authorisation (hereafter “**authorisor**”) and the state in which their residence or principal place of business is located must be given, in accordance with Rule 41(2)(c) below, in the address box:
“Names of natural persons shall be indicated by the person’s family name, followed by his given names. Names of legal persons, as well as of bodies equivalent to legal persons under the law governing them, shall be indicated by their official designations. Addresses shall be indicated in accordance with applicable customary requirements for prompt postal delivery and shall comprise all the relevant administrative units, including the house number, if any.”

Where the authorisation is being given by more than one party, the relevant information regarding the additional authorisors must be indicated to the right of the address box.

Where there are several authorisors, a general authorisation can also be used when only one or more of them are to be represented. If one of several authorisors cancels a general authorisation, it remains valid for the other authorisors under the old registration number. This applies equally to general authorisations already registered.
- 3 The name(s) and address of the place of business of the **authorisee(s)** must be given in accordance with Rule 41(2)(c) (see note 2 above). Please specify whether it is a professional representative, a legal practitioner, an employee or an association of representatives. As regards the authorisation of an association of representatives, within the meaning of Rule 152(11) EPC, the name and the number of the association must be given.
If there is more than one authorisee, please insert in the address box the name and address of the place of business of the authorisee to whom the EPO is to send a copy of the form bearing the general authorisation number.
- 4 The **powers** mentioned separately in the form (to receive payments, to act in PCT proceedings and to give sub-authorisation) must be expressly granted (eg by placing a cross in the appropriate box on the form). Powers other than those three mentioned above may not be excluded in a general authorisation.
- 5 The EPC provisions regarding authorisations are to be applied to **sub-authorisations** (Article 133(3), first sentence, Rule 152 EPC), be it
 - (a) a **specific sub-authorisation** (Rule 152(2), second sentence, EPC), or
 - (b) a **general sub-authorisation** (Rule 152(4) EPC).When issuing a general sub-authorisation, Form EPO 1004 can for example be used and the sub-authorisor must indicate the general authorisation number from which he derives his power. When it is registered, the general sub-authorisation keeps the same number as the general authorisation by virtue of which it has been granted.

Subject to any provisions to the contrary contained therein, a general sub-authorisation does not terminate vis-à-vis the EPO upon the death of the person who gave it (Rule 152(9) EPC), nor upon the termination of the authorisation given to the sub-authorisor for any other reason.
- 6 The EPO returns a copy, supplemented by the general authorisation number, to the authorisor if the appropriate box is crossed (see 4). In any case the EPO will transmit a copy to the authorisee (see 3 above).
- 7 Where the authorisation is signed on behalf of a legal person, **only such persons as are entitled to sign by law and/or in accordance with the articles of association or equivalent of the legal person may do so** (Article 58 EPC).
An indication is to be given of the signatory’s entitlement to sign, eg president, director, company secretary; Geschäftsführer, Prokurist, Handlungs-bevollmächtigter; président, directeur, fondé de pouvoir. If any other employee of a legal person signs by virtue of a special authorisation conferred by the legal person, this is to be indicated and a copy of the special authorisation, which need not be certified, is to be supplied. **An authorisation bearing the signature of a person not entitled to sign will be treated as an unsigned authorisation.**

A communication regarding the registration of the general authorisation is **not** inserted in the files relating to the application for which the authorisee is or is to be appointed as representative. Therefore, it is not permissible to revoke earlier specific authorisations in a general authorisation. When a general authorisation is intended to supersede an earlier one, the earlier authorisation’s number must be stated.

The general authorisation of one or more authorisees terminates as soon as the authorisor or the authorisee concerned – **not another authorisee** – has **communicated the termination** to the EPO in Munich (Directorate 5.2.3). The communication must be clear and unambiguous. It is not sufficient to file a new general authorisation omitting the name of the authorisee concerned (Rule 152(7) and (8) EPC).