

Leaflet European Patent in France

Territory

The French part of this European patent covers the territory of France in Europe; the 'Overseas Departments' Guadeloupe, Martinique, La Réunion and French Guayana; the 'Overseas Territories' French Polynesia, Wallis and Futuna, the French Austral Islands and the French Antarctic territories; to St. Pierre and Miquelon, to Mayotte and to New Caledonia.

National patent number

No national patent number is assigned to the French part of the European patent.

Duration

Provided that the annual national renewal fees are paid, the patent has a duration of 20 years from the European filing date.

Compulsory use

Working of a patented invention must be started within 3 years from grant of the patent or within 4 years from filing of the application, whichever period ends last. Working means the exploitation of the patented invention within the territory of an EU member state or of a state party of the EEA agreement (i.e. Iceland, Liechtenstein or Norway) or importation from a member state of the WTO. If there is no such working without valid reasons or if the working is suspended for more than 3 years, any third person may apply for a compulsory license.

Marking

Marking is not obligatory, and not required to be in a position to take action in case of infringement, but if the patent owner wants to refer to his monopoly, any marking could be used indicating that a patented invention is concerned (for instance: 'Brevet No ...').

EU member countries

France is a member of the European Union (EU). As far as patents are concerned, this has the consequence that once products protected by the patent are sold by or with the permission of the patentee in one EU member country, shipment of these products into and out of other EU member countries basically cannot be prevented. Please do not hesitate to contact us if you have any questions on this issue.