



PATENTS

Electronic signatures at the EPO

Question: Can I use an electronic signature, such as DocuSign, on EPO assignment documents?

Answer: Yes, but the requirements are currently so strict that we would normally recommend using ink on paper. Scanned copies of such signed documents are still acceptable at the EPO.

To answer more fully, it should be understood that an electronic signature is something more complex than a pdf document with what looks like a signature on it.

For an electronic signature to be valid, the document itself must contain computer code that allows the reader to electronically verify that the document was definitely signed by the person identified on the document. If any changes have been made to the document after signing, for example by printing it out, this ability to verify will be lost.

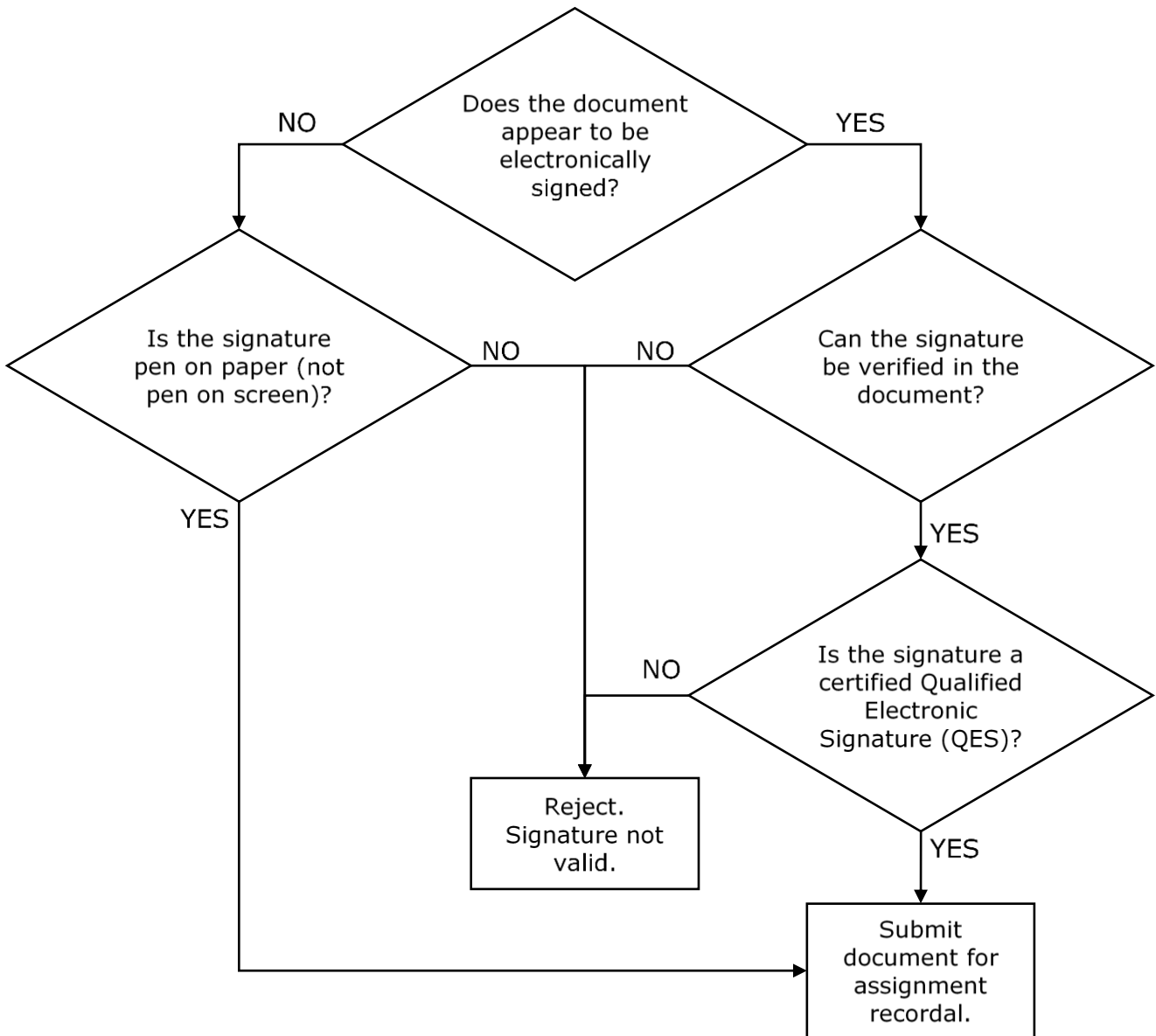
Electronic signing services, such as DocuSign, can provide the verification needed, but the requirements for such a signature at the EPO are very strict. The EPO, under [current rules](#), requires an electronic signature to be a 'qualified electronic signature', which has a specific meaning under EU law. The relevant EU Regulation ([No. 910/2014](#)) defines this as an electronic signature that is:

- a. uniquely linked to the signatory;
- b. capable of identifying the signatory;
- c. created using electronic signature creation data that the signatory can, with a high level of confidence, use under his sole control; and
- d. linked to the data signed therewith in such a way that any subsequent change in the data is detectable.

Requirements a to c require the person to set up an account with a signature verification service that definitively links the signature to the person's identity. This requires the person to first go through a verification process involving, for example, provision of official documents in person or via a live video call to prove the person's identity to the satisfaction of the verification service. Only then can the verification service provide assurance to a third party that a digital signature is definitely from that particular person.

If you are presented with an apparently electronically signed document, before trying to use it to record an assignment at the EPO you should ask yourself a few simple questions that we have summarised in the flow chart below.

If there is any doubt, please contact us and we would be happy to advise.



This paper is intended as a guide only and should not be used as a substitute for legal advice and the information contained herein is correct at the time of publication.