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Patent case: Nippon Shokubai Co., Ltd. vs. Basf SE, EPO

Bart van Wezenbeek (Hoffmann Eitle) · Wednesday, May 27th, 2020

Nippon Shokubai filed an opposition against the grant of BASF's patent. In relation to the payment they filed EPO Form 2300E, which – erroneously – did not indicate any payment method in box X 'Payment', which then indicated 'not specified'. In the accompanying letter the professional representative had indicated that the opposition fee could be deducted from their deposit account.

The Opposition Division held the opposition filed by the professional representative of Nippon Shokubai deemed not to be filed because payment of the opposition fee was not effected in a timely manner under the new rules for automatic debiting (ADA 2017).

Nippon appealed.

Case date: 20 March 2020

Case number: T 1000/19

Court: European Patent Office (EPO), Board of Appeal

A full summary of this case has been published on [Kluwer IP Law](#).

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