



PATENTS

Are electronic signatures acceptable?

With more people working from home, the simplest way to execute documents is with a digital signature.

It is useful to know whether electronic signatures are acceptable on documentary evidence/POAs or whether a real 'wet-ink' signature must be provided.

The EPO accepts electronic signatures on some documents – a notable exception is assignment documents.

At the UKIPO, electronic signatures are widely accepted. A complication is a Power of Attorney – as these are executed as deeds, an electronic signature is fine, but a witness must physically be present to witness the signing (so cannot witness via a Zoom call, for example). Therefore, a 'wet ink' signature may be easier, overall.

We have received the following information from local attorneys regarding digital (e.g. DocuSign) signatures and handwritten ink signatures:

Country	Digital signatures acceptable?	More detail
Ireland	No	A scanned colour copy of a handwritten signature will suffice.
The Netherlands	No	Submission of <u>original</u> documents is a requirement, so 'wet ink' signatures are necessary.
Italy	No	Electronic signatures are not accepted both by the Italian Notary and by the Italian PTO at the moment (December 2020).
Poland	No (but may change)	We were told that a 'wet ink' signature would be the safest option and that the local attorneys had not tried using an e-signature – therefore, one may be acceptable.

Belgium	Yes	DocuSign should not pose a problem provided that the local attorney can treat the final document in the same manner as a PDF document.
Switzerland	Yes	A corresponding certificate is required: The Swiss Patent Office only accepts - in addition to the originals or copies/PDFs thereof - documentary evidence (powers of attorney, transfer agreements, etc.) that contain a qualified electronic signature in accordance with the provisions of the Federal Electronic Signature Act (SR 943.03). The Swiss Patent Office will therefore only accept a document signed electronically with DocuSign if it is accompanied by the corresponding certificate from a provider recognised in Switzerland (link here).
Spain	Yes	DocuSign or another digital representation of a signature is accepted on documents.
Germany	Yes	DocuSign or another digital copy of the signature is accepted on documents filed electronically with the GPTO.
France	Yes	It is the local attorney's responsibility to ensure the validity of the signature on a contract because the INPI is not in a position to do so. So, the local attorney understands that DocuSign or other digital representation of a signature is accepted by the French patent office.