

Decision of the Administrative Council of 10 December 1998 amending the Rules relating to Fees ("Introduction of the euro")

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention, and in particular Article 33, paragraph 2(d), thereof,

On a proposal from the President of the European Patent Office,

Having regard to the opinion of the Budget and Finance Committee and the Committee on Patent Law,

HAS DECIDED AS FOLLOWS:

Article 1

1. Article 2 of the Rules relating to Fees shall be amended to read as follows:

"Article 2 - Fees provided for in the Convention and in the Implementing Regulations

The fees due to be paid to the Office under Article 1 shall be as follows:

	EUR
1. Filing fee (Article 78, paragraph 2); national basic fee (Rule 104b, paragraph 1(b)(i))	127
2. Search fee in respect of - a European or supplementary European search (Article 78, paragraph 2, Rule 46, paragraph 1, Rule 104b, paragraph 4, and Article 157, paragraph 2(b))	869
- an international search (Rule 16.1 PCT and Rule 104a, paragraph 1)	1 124
3. Designation fee for each contracting state designated (Article 79, paragraph 2)	76
3a. Joint designation fee for the Swiss Confederation and the Principality of Liechtenstein	76
3b. Surcharge on the filing fee, the search fee, a designation fee or the national basic fee (Rule 85a) 50% of the relevant fee or fees, but not to exceed a total of	715
4. Renewal fees for European patent applications (Article 86, paragraph 1), calculated in each case from the date of filing of the application	
- for the 3rd year	383
- for the 4th year	409
- for the 5th year	434

- for the 6th year	715
- for the 7th year	741
- for the 8th year	766
- for the 9th year	971
- for the 10th and each subsequent year	1 022
5. Additional fee for belated payment of a renewal fee for the European patent application (Article 86, paragraph 2)	10% of the belated renewal fee
6. Examination fee (Article 94, paragraph 2)	1 431
7. Surcharge for late filing of the request for examination (Rule 85b)	50% of the examination fee
8. Fee for grant, including fee for printing the European patent specification (Article 97, paragraph 2(b)), where the application documents to be printed comprise	
8.1 not more than 35 pages	715
8.2 more than 35 pages	715 plus EUR 10,20 for the 36th and each subsequent page
9. Fee for printing a new specification of the European patent (Article 102, paragraph 3(b))	
- flat-rate fee	51
10. Opposition fee (Article 99, paragraph 1, and Article 105, paragraph 2)	613
11. Fee for appeal (Article 108)	1 022
12. Fee for further processing (Article 121, paragraph 2)	76
13. Fee for re-establishment of rights (Article 122, paragraph 3)	76
14. Conversion fee (Article 136, paragraph 1, and Article 140)	51
15. Claims fee for the eleventh and each subsequent claim (Rule 31, paragraph 1, and Rule 51, paragraph 7)	40
16. Fee for the awarding of costs (Rule 63, paragraph 3)	51
17. Fee for the conservation of evidence (Rule 75, paragraph 3)	51
18. Transmittal fee for an international application (Article 152, paragraph 3)	102

19. Fee for the preliminary examination of an international application (Rule 58 PCT and Rule 104a, paragraph 2)	1 533
20. Fee for a technical opinion (Article 25)	3 067
21. Protest fee (Rules 40.2(e) and 68.3(e) PCT, Rule 104a, paragraph 3)	1 022

2. Article 5 of the Rules relating to Fees shall be amended to read as follows:

"Article 5 - Payment of fees

(1) Subject to the provisions of Article 6, the fees due to the Office shall be paid in euro or in a currency freely convertible into euro:

(a) by payment or transfer to a bank account held by the Office,

(b) by payment or transfer to a Giro account held by the Office,

(c) by delivery or remittance of cheques which are made payable to the Office.

(2) The President of the Office may allow other methods of paying fees than those set out in paragraph 1."

3. Article 6 shall be amended to read as follows:

"Article 6 - Currencies

(1) Payments in accordance with Article 5, paragraph 1(a) and (b), shall be made in euro or in the currency of the State in which the bank or Giro account is held.

(2) Payments in accordance with Article 5, paragraph 1(c), shall be made in euro or in the currency of the State where the banking establishment on which the cheque is drawn is located, provided that the equivalents of the amounts of fees expressed in euro have been laid down in that currency by the President of the Office.

(3) For payments to the Office made in currencies other than euro, the President of the Office shall, after consulting the Budget and Finance Committee if appropriate, lay down the equivalents in such other currencies of the fees in euro payable pursuant to these Rules. In doing so, he shall ensure that fluctuations in monetary rates of exchange are not prejudicial to the Office. The amounts determined in this way shall be published in the Official Journal of the European Patent Office. Revised amounts shall be binding on payments for fees which are made on or after the date laid down by the President of the Office."

4. In Article 8, paragraph 1, sub-paragraph (b) is deleted, sub-paragraph (c) becomes sub-paragraph (b), and the reference to Article 5, paragraph 1(d), is amended to read Article 5, paragraph 1(c). In Article 8, paragraph 3(b), "DEM 300" is replaced by "EUR 153".

Article 2

The fee amounts laid down in Article 1 of this decision shall be binding on payments made as from **2 March 1999**.

Article 3

If the exchange rate between the Deutsche Mark and euro as at 1 January 1999 differs from the exchange rate between the Deutsche Mark and ECU on which this decision is based, the President of the European Patent Office is authorised to adjust accordingly the fee amounts laid down in the present decision.

Article 4

Article 3 of this decision shall enter into force on 1 January 1999. Its Articles 1 and 2 shall enter into force on **2 March 1999**.

Done at Munich, 10 December 1998.

For the Administrative Council

The Chairman

Sean FITZPATRICK