

Decision of the Administrative Council of 14 December 2007 amending the Rules relating to Fees (CA/D 16/07)

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

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

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

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

HAS DECIDED AS FOLLOWS:

Article 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:

1. Filing fee (Article 78, paragraph 2) where
 - the European patent application or, in the case of an international application, the form for entry into the European phase (EPO Form 1200) is filed online
 - the European patent application or, in the case of an international application, the form for entry into the European phase (EPO Form 1200) is not filed online
2. Search fee in respect of
 - a European or supplementary European search on an application filed on or after 1 July 2005 (Article 78, paragraph 2, Rule 62, Rule 64, paragraph 1, Article 153, paragraph 7)
 - a European or supplementary European search on an application filed before 1 July 2005 (Article 78, paragraph 2, Rule 64, paragraph 1, Article 153, paragraph 7)
 - an international search (Rule 16.1 PCT and Rule 158, paragraph 1)
3. Designation fee for each Contracting State designated (Article 79, paragraph 2), designation fees being deemed paid for all Contracting States upon payment of seven times the amount of this fee
 - 3a. Joint designation fee for the Swiss Confederation and the Principality of Liechtenstein

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
- for the 4th year
- for the 5th year
- for the 6th year
- for the 7th year
- for the 8th year
- for the 9th year
- for the 10th and each subsequent year

5. Additional fee for belated payment of a renewal fee for the European patent application (Rule 51, paragraph 2)

50% of

6. Examination fee (Article 94, paragraph 1) in respect of

- an application filed before 1 July 2005
- an application filed on or after 1 July 2005
- an international application filed on or after 1 July 2005 for which no supplementary European search report is drawn up (Article 153, paragraph 7)

7. Fee for grant, including fee for printing the European patent specification (Rule 71, paragraph 3), where the application documents to be printed comprise:

- 7.1 not more than 35 pages
- 7.2 more than 35 pages

and each subsequent

8. Fee for printing a new specification of the European patent (Rule 82, paragraph 2, Rule 95, paragraph 3)

- flat-rate fee

9. Surcharge for late performance of the acts required to maintain the European patent in amended form (Rule 82, paragraph 3, Rule 95, paragraph 3)

- flat-rate fee

10. Opposition fee (Article 99, paragraph 1, and Article 105, paragraph 2)

10a. Limitation or revocation fee (Article 105a, paragraph 1)

- request for limitation
- request for revocation
- 11. Fee for appeal (Article 108)
- 11a. Fee for petition for review (Article 112a, paragraph 4)
- 12. Fee for further processing (Rule 135, paragraph 1)
 - in the event of late payment of a fee 50% of
 - in the event of late performance of the acts required under Rule 71, paragraph 3
 - other cases
- 13. Fee for re-establishment of rights / fee for requesting restoration / fee for reinstatement of rights (Rule 136, paragraph 1, Rule 26bis.3(d) PCT, Rule 49ter.2(d) PCT, Rule 49.6(d)(i) PCT)
- 14. Conversion fee (Article 135, paragraph 3, and Article 140)
- 14a. Fee for late furnishing of a sequence listing (Rule 30, paragraph 3)
- 15. Claims fee for the 16th and each subsequent claim (Rule 45, paragraph 1, Rule 71, paragraph 7, and Rule 162, paragraph 1)
- 16. Fee for the awarding of costs (Rule 88, paragraph 3)
- 17. Fee for the conservation of evidence (Rule 123, paragraph 3)
- 18. Transmittal fee for an international application (Rule 157, paragraph 4)
- 19. Fee for the preliminary examination of an international application (Rule 58 PCT and Rule 158, paragraph 2)
- 20. Fee for a technical opinion (Article 25)
- 21. Protest fee (Rules 40.2(e) and 68.3(e) PCT)
 - for international applications still pending on 13 December 2007
 - for international applications filed on or after 13 December 2007 (Rule 158, paragraph 3)

Article 2

(1) This decision shall enter into force on 1 April 2008. The new amounts of the fees shall be binding on payments made on or after that date.

(2) If within six months of 1 April 2008 a fee is paid in due time but only in the amount due before that date, such fee shall be deemed to have been validly paid if the deficit is made good within two months of

an invitation to that effect from the European Patent Office.

Done at Munich, of 14 December 2007

For the Administrative Council
The Chairman