

Rules Relating to Fees of 20 October 1977 as last amended by decision of the Administrative Council of the European Patent Organisation of 28 June 2001

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,
HAVING REGARD to the European Patent Convention and in particular [Article 33](#), paragraph 2(d),
thereof,
HAS ADOPTED THE FOLLOWING RULES RELATING TO FEES:

Article 1

General

The following shall be levied in accordance with the provisions contained in these Rules:

(a) fees due to be paid to the European Patent Office (hereinafter referred to as the Office) as provided for in the Convention and in the Implementing Regulations and the fees and costs which the President of the Office lays down pursuant to Article 3, paragraph 1;

(b) fees and costs pursuant to the Patent Cooperation Treaty (hereinafter referred to as the PCT), the amounts of which may be fixed by the Office.

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 106(a))	125
2. Search fee in respect of	
- a European or supplementary European search (Article 78 , paragraph 2, Rules 46 , paragraph 1, and 112 , Article 157 , paragraph 2(b))	690
- an international search (Rule 16.1 PCT and Rule 105 , paragraph 1)	945
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	75

3a. Joint designation fee for the Swiss Confederation and the Principality of Liechtenstein	75
3b.** Surcharge for late payment of the filing fee, the search fee or the designation fees (Rule 85a)	
50% of the relevant fee or fees, but not to exceed a total of EUR	650
3c.*** Surcharge for late filing of either the translation of the international application or the request for examination, or for late payment of the national basic fee, the search fee or the designation fees (Rule 108(3))	
50% of the relevant fees, but at least EUR 500 for late filing of the translation, up to a maximum of EUR	1 750
4. Renewal fees for the European patent application (Article 86 , paragraph 1), calculated in each case from the date of filing of the application	
- for the 3rd year	380
- for the 4th year	405
- for the 5th year	430
- for the 6th year	715
- for the 7th year	740
- for the 8th year	765
- for the 9th year	970
- for the 10th and each subsequent year	1020
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)	1430
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 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	50
10. Opposition fee (Article 99 , paragraph 1, and Article 105 , paragraph 2)	610
11. Fee for appeal (Article 108)	1020
12. Fee for further processing (Article 121 , paragraph 2)	75
13. Fee for re-establishment of rights (Article 122 , paragraph 3)	75
14. Conversion fee (Article 136 , paragraph 1, and Article 140)	50
15. Claims fee for the eleventh and each subsequent claim (Rules 31 , paragraph 1, 51 , paragraph 7, 40 and 110 , paragraph 1)	
16. Fee for the awarding of costs (Rule 63 , paragraph 3)	50
17. Fee for the conservation of evidence (Rule 75 , paragraph 3)	50
18. Transmittal fee for an international application (Article 152 , paragraph 3)	100
19. Fee for the preliminary examination of an international application (Rule 58 PCT and Rule 105 , paragraph 2)	1530
20. Fee for a technical opinion (Article 25)	3060
21. Protest fee (Rules 40.2(e) and 68.3(e) PCT, Rule 105 , paragraph 3)	1020

** Last amended by decision of the Administrative Council of 28.06.2001 which entered into force on 03.01.2002 (OJ EPO 2001, 378 ff).*

*** Amended by decision of the Administrative Council of 28.06.2001 which entered into force on 02.01.2002 (OJ EPO 2001, 374 ff).*

**** Inserted by decision of the Administrative Council of 28.06.2001 which entered into force on 02.01.2002 (OJ EPO 2001, 374 ff).*

Article 3

Fees, costs and prices laid down by the President of the Office

(1) The President of the Office shall lay down the amount of the administrative fees provided for in the Implementing Regulations and, where appropriate, the amount of the fees and costs for any services rendered by the Office other than those specified in Article 2.

(2) He shall also lay down the prices of the publications referred to in [Articles 93](#), [98](#), [103](#) and [129](#) of the Convention.

(3)* The amounts of the fees provided for in Article 2 and of the fees and costs laid down in accordance with paragraph 1 shall be published in the Official Journal of the European Patent Office.

** Amended by decision of the Administrative Council of 13.12.1994 which entered into force on 01.06.1995 (OJ EPO 1995, 9 ff).*

Article 4

Due date for fees

(1) Fees in respect of which the due date is not specified in the provisions of the Convention or of the PCT or of the Implementing Regulations thereto shall be due on the date of receipt of the request for the service incurring the fee concerned.

(2) The President of the Office may decide not to make services within the meaning of paragraph 1 dependent upon the advance payment of the corresponding fee.

Article 5 *

Payment of fees

(1) The fees due to the Office shall be paid in 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, or

(c) by delivery or remittance of cheques 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.

** Last amended by decision of the Administrative Council of 28.06.2001 which entered into force on 01.01.2002 (OJ EPO 2001, 377).*

*** See the Arrangements for deposit accounts valid as of 2 March 1999 (Suppl. OJ EPO 2/1999).*

Article 6 * - deleted

** Deleted by decision of the Administrative Council 28.06.2001 which entered into force on 01.01.2002 (OJ EPO 2001, 377).*

Article 7

Particulars concerning payments

(1)* Every payment must indicate the name of the person making the payment and must contain the necessary particulars to enable the Office to establish immediately the purpose of the payment.

(2) If the purpose of the payment cannot immediately be established, the Office shall require the person making the payment to notify it in writing of this purpose within such period as it may specify. If he does not comply with this request in due time the payment shall be considered not to have been made.

** See Legal advice No. 6/91 rev.*

Article 8 *

Date to be considered as the date on which payment is made

(1) The date on which any payment shall be considered to have been made to the Office shall be as follows:

(a) in the cases referred to in Article 5, paragraph 1(a) and (b): the date on which the amount of the payment or of the transfer is actually entered in a bank account or a Giro account held by the Office;

(b) in the case referred to in Article 5, paragraph 1(c): the date of receipt of the cheque at the Office, provided that the cheque is met.

(2) Where the President of the Office allows, in accordance with the provisions of Article 5, paragraph 2, other methods of paying fees than those set out in Article 5, paragraph 1, he shall also lay down the date on which such payments shall be considered to have been made.

(3)** Where, under the provisions of paragraphs 1 and 2, payment of a fee is not considered to have been made until after the expiry of the period in which it should have been made, it shall be considered that this period has been observed if evidence is provided to the Office that the person who made the payment

(a) fulfilled one of the following conditions in a Contracting State within the period within which the payment should have been made:

(i) he effected the payment through a banking establishment or a post office;

(ii) he duly gave an order to a banking establishment or a post office to transfer the amount of the payment;

(iii) he despatched at a post office a letter bearing the address of the Office and containing a cheque within the meaning of Article 5, paragraph 1(c), provided that the cheque is met, and

(b) paid a surcharge of 10 % on the relevant fee or fees, but not exceeding EUR 150; no surcharge is payable if a condition according to sub-paragraph (a) has been fulfilled not later than ten days before the expiry of the period for payment.

(4) The Office may request the person who made the payment to produce evidence as to the date on which a condition according to paragraph 3(a) was fulfilled and, where required, pay the surcharge referred to in paragraph 3(b), within a period to be specified by it. If he fails to comply with this request or if the evidence is insufficient, or if the required surcharge is not paid in due time, the period for payment shall be considered not to have been observed.

** Last amended by decision of the Administrative Council of 28.06.2001 which entered into force on 03.01.2002 (OJ EPO 2001, 378 ff).*

*** See Legal advice No. 6/91 rev.*

Article 9

Insufficiency of the amount paid

(1) A time limit for payment shall in principle be deemed to have been observed only if the full amount of the fee has been paid in due time. If the fee is not paid in full, the amount which has been paid shall be refunded after the period for payment has expired. The Office may, however, in so far as this is possible

within the time remaining before the end of the period, give the person making the payment the opportunity to pay the amount lacking. It may also, where this is considered justified, overlook any small amounts lacking without prejudice to the rights of the person making the payment.

(2) Where the request for grant of a European patent designates more than one Contracting State in accordance with [Article 79](#), paragraph 1, of the Convention, and the amount paid is insufficient to cover all the designation fees, the amount paid shall be applied according to the specifications made by the applicant at the time of payment. If the applicant makes no such specifications at the time of payment, these fees shall be deemed to be paid only for as many designations as are covered by the amount paid and in the order in which the Contracting States are designated in the request.

Article 10 *

Refund of the fee for the European search report

(1)** The search fee shall be refunded fully or in part if the European search report is based on an earlier search report already prepared by the Office on an application whose priority is claimed for the European patent application or which is the earlier application within the meaning of [Article 76](#) of the Convention or the original application within the meaning of [Rule 15](#) of the Implementing Regulations thereto.

(2)*** The amount of any refund allowed under paragraph 1 shall be 25, 50, 75 or 100 % of the search fee, depending upon the extent to which the Office benefits from the earlier search report.

(3) The search fee shall be fully refunded if the European search report relates to a European divisional application and is based entirely on an earlier search report on the earlier application.

(4) The search fee shall be fully refunded if the European patent application is withdrawn or refused or deemed to be withdrawn at a time when the Office has not yet begun to draw up the European search report.

** Amended by decision of the Administrative Council of 14.09.1979 which entered into force on 14.09.1979 (OJ EPO 1979, 369).*

*** See the decision of the Administrative Council of 10.12.1982 on the refund of the European search fee where the European search is carried out by the Swedish Patent Office ... (OJ EPO 1983, 219 ff) and Legal advice No. 14/83.*

**** See communication of the President of the EPO of 09.04.1980 concerning refund of the European search fee and of the international search fee (OJ EPO 1980, 112 ff) and Annex C, Part II of the Agreement between the EPO and WIPO under the PCT (OJ EPO 1998, 85 ff).*

Article 10a *

Refund of the fee for a technical opinion

An amount of 75 % of the fee for a technical opinion under [Article 25](#) of the Convention shall be refunded if the request for a technical opinion is withdrawn at a time when the Office has not yet begun to draw up the technical opinion.

** Inserted by decision of the Administrative Council of 05.06.1986 which entered into force on 01.07.1986 (OJ EPO 1986, 247).*

Article 10b *

Refund of examination fee

The examination fee provided for in [Article 94](#), paragraph 2, of the Convention shall be refunded:

(a) in full if the European patent application is withdrawn, refused or deemed to be withdrawn before the Examining Divisions have assumed responsibility;

(b) at a rate of 75 % if the European patent application is withdrawn, refused or deemed to be withdrawn after the Examining Divisions have assumed responsibility but before substantive examination has begun.

** Inserted by decision of the Administrative Council of 10.06.1988 which entered into force on 01.10.1988 (OJ EPO 1988, 293 ff). See notice of the President of the EPO dated 15.07.1988 concerning the application of Article 10b of the Rules relating to Fees (OJ EPO 1988, 354).*

Article 10c *

Refund of insignificant amounts

Where too large a sum is paid to cover a fee, the excess shall not be refunded if the amount is insignificant and the party concerned has not expressly requested a refund. The President of the Office shall determine what constitutes an insignificant amount.

** Inserted by decision of the Administrative Council of 07.12.1990 which entered into force on 03.01.1991 (OJ EPO 1991, 11 ff).*

Article 11

Decisions fixing costs which are subject to appeal

In accordance with [Article 106](#), paragraph 5, of the Convention, decisions fixing the amount of costs of opposition proceedings may be appealed if the amount is in excess of the fee for appeal.

Article 12

Reduction of fees

(1) The reduction laid down in [Rule 6](#), paragraph 3, of the Convention shall be 20 % of the filing fee, examination fee, opposition fee and fee for appeal.

(2)* The reduction laid down in [Rule 107](#), paragraph 2, of the Convention shall be 50 % of the examination fee.

** Last amended by decisions of the Administrative Council of 13.10.1999, which entered into force on 01.03.2000 (OJ EPO 1999, 660 ff).*

Article 13 *

Notification

The President of the European Patent Office shall forward a certified copy of these Rules to all the signatory States to the Convention and to the States which accede thereto.

** The numbers of articles 13 and 14 were changed by decision of the Administrative Council of*

07.12.1990 which entered into force on 03.01.1991 (OJ EPO 1991, 11 ff). The wording of Articles 13 and 14 corresponds to former Articles 14 and 15 as the former Article 13 has been deleted.

Article 14 *

Entry into force

These Rules shall enter into force on 20 October 1977.

DONE at Munich, 20 October 1977.

** The numbers of articles 13 and 14 were changed by decision of the Administrative Council of 07.12.1990 which entered into force on 03.01.1991 (OJ EPO 1991, 11 ff). The wording of Articles 13 and 14 corresponds to former Articles 14 and 15 as the former Article 13 has been deleted.*