

Decision of the Administrative Council of 13 December 2001 amending the Rules relating to Fees: Amendment of Article 10 RFees CA/64/01

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention (EPC), and in particular [Article 33\(2\)\(d\)](#), thereof,

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

After hearing the opinion of the Committee on Patent Law,

After hearing the opinion of the Budget and Finance Committee,

HAS DECIDED AS FOLLOWS:

Article 1

Article 10 of the Rules relating to Fees shall read as follows:

"Article 10
Refund of the search fee

(1) The search fee paid for a European or supplementary European search 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 Convention.

(2) The amount of any refund allowed under paragraph 1 shall be 50 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(3) The search fee shall be fully refunded if the European patent application is withdrawn or refused or deemed to be withdrawn at a time when the Office has not yet begun to draw up the European search report."

Article 2

This decision shall enter into force on 3 January 2002 and shall apply to all European patent applications in respect of which the European or supplementary European search report is drawn up on or after that date.

Done at Munich, 13 December 2001

For the Administrative Council
The Chairman

Roland GROSSENBACHER