

# Decision of the administrative council of 9 December 2004 amending the Implementing Regulations to the European Patent Convention and the Rules relating to Fees\* (Rule 54, Rule 108(4), Article 2, item 3c RFees) CA/D 22/04

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention (EPC), and in particular Article 33(1)(b) and (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**

The Implementing Regulations to the EPC shall be amended as follows:

### **1. Rule 54 shall be amended to read as follows:**

"Rule 54

Certificate for a European patent

As soon as the specification of the European patent has been published, the European Patent Office shall issue to the proprietor of the patent a certificate for a European patent. The President of the European Patent Office shall prescribe the content, form and means of communication of the certificate and determine the circumstances in which an administrative fee is payable."

### **2. The following new paragraph 4 shall be added to Rule 108:**

"(4) Designation fees in respect of which the applicant has dispensed with notification of the communication under paragraph 3 may still be validly paid within two months of expiry of the applicable time limit, provided that within this period a surcharge is paid."

## **Article 2**

Article 2, item 3c, of the Rules relating to Fees (RFees) shall be amended to read as follows:

"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) and (4))

50% of the relevant fees, but at least EUR 500 for late filing of the translation, up to a maximum of EUR 1 750"

### **Article 3**

(1) This decision shall enter into force on 1 April 2005.

(2) New Rule 108(4) EPC and Article 2, item 3c, RFees as amended by this decision shall apply to international applications entering the European phase for which, on 1 April 2005, not all designation fees as prescribed in Rule 107(1)(d) EPC have been validly paid and the time limit provided for under that Rule has not yet expired.

Done at Munich, 9 December 2004

For the Administrative Council  
The Chairman

*Roland GROSSENBACHER*