

DECISION OF THE ADMINISTRATIVE COUNCIL
of 27 October 2011
amending the Rules relating to Fees
and adjusting the amount of the reduction in the fee for
the supplementary European search where the
international or supplementary international search
report was drawn up by one of the European
International Searching Authorities

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention and in particular Articles 33(2)(d) and 153(7) thereof,

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

Having regard to the opinion of 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

(1) The fees due to be paid to the Office under Article 1, unless otherwise provided in paragraph 2, shall be as follows:

| | EUR |
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| 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 | 115 |
| - 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 | 200 |
| 1a. Additional fee for a European patent application comprising more than 35 pages (not counting pages forming part of a sequence listing) (Rule 38, paragraph 2) | plus EUR 14 for the 36th and each subsequent page |
| 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) | 1 165 |
| - 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) | 840 |
| - an international search (Rule 16.1 PCT and Rule 158, paragraph 1) | 1 875 |
| - a supplementary international search (Rule 45 <i>bis</i> .3(a) PCT) | 1 875 |
| 3. Designation fee for one or more Contracting States (Article 79, paragraph 2) in respect of an application filed on or after 1 April 2009 | 555 |

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| 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 | 445 |
| - for the 4th year | 555 |
| - for the 5th year | 775 |
| - for the 6th year | 995 |
| - for the 7th year | 1 105 |
| - for the 8th year | 1 215 |
| - for the 9th year | 1 325 |
| - for the 10th and each subsequent year | 1 495 |
| 5. Additional fee for belated payment of a renewal fee for the European patent application (Rule 51, paragraph 2) | 50 % of the belated renewal fee |
| 6. Examination fee (Article 94, paragraph 1) in respect of | |
| - an application filed before 1 July 2005 | 1 730 |
| - an application filed on or after 1 July 2005 | 1 555 |
| - an international application filed on or after 1 July 2005 for which no supplementary European search report is drawn up (Article 153, paragraph 7) | 1 730 |
| 7. Fee for grant, including fee for publication of the European patent specification (Rule 71, paragraph 3), in respect of an application filed on or after 1 April 2009 | 875 |
| 8. Fee for publishing a new specification of the European patent (Rule 82, paragraph 2, Rule 95, paragraph 3) | 70 |

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| 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) | 115 |
| 10. Opposition fee (Article 99, paragraph 1, Article 105, paragraph 2) | 745 |
| 10a. Limitation or revocation fee (Article 105a, paragraph 1) | |
| - request for limitation | 1 105 |
| - request for revocation | 500 |
| 11. Fee for appeal (Article 108) | 1 240 |
| 11a. Fee for petition for review (Article 112a, paragraph 4) | 2 760 |
| 12. Fee for further processing (Rule 135, paragraph 1) | |
| - in the event of late payment of a fee | 50 % of the relevant fee |
| - in the event of late performance of the acts required under Rule 71, paragraph 3 | 240 |
| - other cases | 240 |
| 13. Fee for re-establishment of rights/fee for requesting restoration/fee for reinstatement of rights (Rule 136, paragraph 1, Rule 26 <i>bis</i> .3(d) PCT, Rule 49 <i>ter</i> .2(d) PCT, Rule 49.6(d)(i) PCT) | 610 |
| 14. Conversion fee (Article 135, paragraph 3, and Article 140) | 70 |
| 14a. Fee for late furnishing of a sequence listing (Rule 30, paragraph 3) | 220 |

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| 15. Claims fee (Rule 45, paragraph 1, Rule 71, paragraph 6, and Rule 162, paragraph 1) in respect of an application filed on or after 1 April 2009 | |
| - for the 16th and each subsequent claim up to the limit of 50 | 225 |
| - for the 51st and each subsequent claim | 555 |
| 16. Fee for the awarding of costs (Rule 88, paragraph 3) | 70 |
| 17. Fee for the conservation of evidence (Rule 123, paragraph 3) | 70 |
| 18. Transmittal fee for an international application (Rule 157, paragraph 4) | 125 |
| 19. Fee for the preliminary examination of an international application (Rule 58 PCT and Rule 158, paragraph 2) | 1 850 |
| 20. Fee for a technical opinion (Article 25) | 3 695 |
| 21. Protest fee (Rule 158, paragraph 3, Rules 40.2(e) and 68.3(e) PCT) | 830 |
| 22. Review fee (Rule 45 <i>bis</i> .6(c) PCT) | 830 |

(2) For European patent applications filed before 1 April 2009 and international applications which entered the regional phase before that date, the amount of the fees specified in Article 2, item 3, item 3a, item 7 and item 15 of the Rules relating to Fees as in force until 31 March 2009 shall be as follows:

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| 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 | 95 |
| 3a. Joint designation fee for the Swiss Confederation and the Principality of Liechtenstein | 95 |

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 **875**

7.2 more than 35 pages **875**

plus EUR 14
for the 36th
and each subsequent page

15. Claims fee for the sixteenth and each subsequent claim
(Rule 45, paragraph 1, Rule 71, paragraph 6, Rule 162, paragraph 1) **225"**

Article 2

(1) The fee for a supplementary European search on an international application for which the international search report or a supplementary international search report was drawn up by the Austrian Patent Office, or, in accordance with the Protocol on Centralisation, by the National Board of Patents and Registration of Finland, the Spanish Patent and Trademark Office, the Swedish Patent and Registration Office or the Nordic Patent Institute, shall be reduced by EUR 990.

(2) If a reduction is granted as provided in the first paragraph, the maximum amount of the reduction in the fee for a supplementary European search shall be equal to the reduction granted on the basis of a single international search report or supplementary international search report drawn up by one of the authorities mentioned in the first paragraph.

Article 3

This decision shall enter into force on 1 April 2012.

Article 4

The following transitional provisions shall apply:

(1) Without prejudice to paragraph 2, the new amounts of the fees specified in Article 1 of this decision shall be binding in respect of payments made on or after 1 April 2012.

(2) The new amounts of the fee for an international search and the transmittal fee for an international application shall be binding in respect of applications filed on or after 1 April 2012.

(3) If within six months of 1 April 2012 a fee is paid in due time but only in the amount due before 1 April 2012, that 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.

(4) Article 2 of this decision shall apply to international applications filed up to and including 30 June 2013, where the fee for the supplementary European search is paid on or after 1 April 2012.

Article 5

Article 2 of decision CA/D 19/09 of 28 October 2009 (OJ EPO 12/2009, 587) and decision CA/D 12/09 of 28 October 2009 (OJ EPO 12/2009, 595) shall be rescinded as from 1 April 2012 and replaced by this decision.

Done at Berlin, 27 October 2011

For the Administrative Council
The Chairman



Jesper KONGSTAD