

DECISION OF THE ADMINISTRATIVE COUNCIL
of 12 December 2019
amending Articles 2 and 7 of the
Rules relating to Fees

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 Budget and Finance Committee,
HAS DECIDED AS FOLLOWS:

Article 1

Article 2, paragraphs 1 and 2, of the Rules relating to Fees shall read as follows:

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

1. Filing fee (Article 78, paragraph 2)

(i) where the European patent application or, if required, its translation (Article 14, paragraph 2) is filed online in character-coded format, or, in the case of an international application, if within the 31-month period (Rule 159, paragraph 1) the form for entry into the European phase (EPO Form 1200) and the international application or, if required, its translation (Rule 159, paragraph 1(a)), and any amendments for processing in the European phase (Rule 159, paragraph 1(b)), are all filed online in character-coded format	95
(ii) where all documents referred to in item 1(i) are filed online, but any one of them is filed in a format other than character-coded format,	125
(iii) in all other cases	260

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 16**
for the 36th and
each subsequent page

1b. Additional fee in the case of a divisional application filed in respect of any earlier application which is itself a divisional application (Rule 38, paragraph 4)

– fee for a divisional application of second generation	220
– fee for a divisional application of third generation	440
– fee for a divisional application of fourth generation	660
– fee for a divisional application of fifth or any subsequent generation	885

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, Rule 164, paragraphs 1 and 2)	1 350
– 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)	920
– an international search (Rule 16.1 PCT and Rule 158, paragraph 1)	1 775
– a supplementary international search (Rule 45 <i>bis</i> .3(a) PCT)	1 775
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	610
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	490
– for the 4th year	610
– for the 5th year	855
– for the 6th year	1 090
– for the 7th year	1 210
– for the 8th year	1 330
– for the 9th year	1 450
– for the 10th and each subsequent year	1 640

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	1 900
– an application filed on or after 1 July 2005	1 700
– an international application filed on or after 1 July 2005 for which no supplementary European search report is drawn up (Article 153, paragraph 7)	1 900
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	
(i) where on or after 1 April 2018 all amendments and corrections of the application, if any, and the translation of the claims are filed online in character-coded format	860
(ii) in all other cases	
– where the fee for grant is paid between 1 April 2018 and [date to be set by the President of the Office]	960
– where the fee for grant is paid on or after [date to be set by the President of the Office]	1 065
8. Fee for publishing a new specification of the European patent (Rule 82, paragraph 2, Rule 95, paragraph 3)	80
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)	125

10. Opposition fee (Article 99, paragraph 1, Article 105, paragraph 2)	815
10a. Limitation or revocation fee (Article 105a, paragraph 1)	
– request for limitation	1 210
– request for revocation	545
11. Fee for appeal (Article 108) for an appeal filed	
– by a natural person or an entity referred to in Rule 6, paragraphs 4 and 5	1 955
– by any other entity	2 705
11a. Fee for petition for review (Article 112a, paragraph 4)	3 025
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	265
– other cases	265
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)	665
14. Conversion fee (Article 135, paragraph 3, Article 140)	80
14a. Fee for late furnishing of a sequence listing (Rule 30, paragraph 3)	240

15. Claims fee (Rule 45, paragraph 1, Rule 71, paragraph 4, 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	245
– for the 51st and each subsequent claim	610
16. Fee for the awarding of costs (Rule 88, paragraph 3)	80
17. Fee for the conservation of evidence (Rule 123, paragraph 3)	80
18. Transmittal fee for an international application (Rule 157, paragraph 4)	
– where the PCT request (PCT/RO/101) and the international application are filed with the Office as receiving Office online in character-coded format	0
– in all other cases	135
19. Fee for the preliminary examination of an international application (Rule 58 PCT and Rule 158 paragraph 2)	1 830
20. Fee for a technical opinion (Article 25)	4 055
21. Protest fee (Rule 158, paragraph 3, Rule 40.2(e) PCT, Rule 68.3(e) PCT)	910
22. Review fee (Rule 45 <i>bis</i> .6(c) PCT)	910

(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:

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 **105**

3a. Joint designation fee for the Swiss Confederation and the Principality of Liechtenstein **105**

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 and

(i) on or after 1 April 2018 all amendments and corrections of the application, if any, and the translation of the claims are filed online in character-coded format **860**

(ii) in all other cases

– where the fee for grant is paid between 1 April 2018 and [date to be set by the President of the Office] **960**

– where the fee for grant is paid on or after [date to be set by the President of the Office] **1 065**

7.2 more than 35 pages

The relevant amount of item 7.1 plus **EUR 16** for the 36th and each subsequent page

15. Claims fee for the sixteenth and each subsequent claim (Rule 45, paragraph 1, Rule 71, paragraph 4, Rule 162, paragraph 1) **245"**

Article 2

Article 7, paragraphs 3 and 4, of the Rules relating to Fees shall read as follows:

"(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 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;
- (ii) he duly gave an order to a banking establishment to transfer the amount of the 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 was fulfilled within a period to be specified by it. If he fails to comply with this request or if the evidence is insufficient, the period for payment shall be considered not to have been observed."

Article 3

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 Finnish Patent and Registration Office, the Spanish Patent and Trademark Office, the Swedish Patent and Registration Office, the Turkish Patent and Trademark Office, the Nordic Patent Institute or the Visegrad Patent Institute shall be reduced by **EUR 1 150**.
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 4

This decision shall enter into force on 1 April 2020.

Article 5

1. Without prejudice to paragraph 2, the new amounts of the fees specified in Article 1 of this decision shall apply to payments made on or after 1 April 2020.
2. The new amount of the transmittal fee for an international application shall apply to applications filed on or after 1 April 2020.
3. Article 7, paragraphs 3 and 4, of the Rules relating to Fees, as amended by Article 2 of this decision, shall apply to payments made on or after 1 April 2020.
4. If within six months of 1 April 2020 a fee is paid in due time but only in the amount due before 1 April 2020, 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.
5. Article 3 of this decision shall apply to international applications filed up to and including 31 March 2024 for which the international search report or supplementary international search report was drawn up by the Austrian Patent Office, the Finnish Patent and Registration Office, the Spanish Patent and Trademark Office, the Swedish Patent and Registration Office, the Turkish Patent and Trademark Office, the Nordic Patent Institute or the Visegrad Patent Institute and for which the fee for the supplementary European search is paid on or after 1 April 2020.

Done at Munich, 12 December 2019

For the Administrative Council
The Chairman



Josef KRATOCHVÍL