

European Patents: new fees from April 1st (not an April Fool)

On December 14, 2007 the Administrative Council of the European Patent Office issued a decision adjusting the Office fees to be applied from April 1^o, 2008, and further changes have been already planned for 2009. Generally, all the fees were increased of about 5-10%, with at least two remarkable exceptions: the claim fee and the renewal fees.

Claim fee

Currently, at the filing of a European patent application, a claim fee of € 45,00 is due for the 11th and each subsequent claim. Hence, an exemplary application with 60 claims is subject to a claim fee of $(60 - 10) \times 45 = \text{€} 2.250,00$ - in addition to the on-line filing fee (€ 95,00) and the search fee (€ 1.000,00), to an aggregate amount of € 3.345,00. The same claim fee applies at the Entry of a PCT application into the European phase.

Effective

from April 1, 2008, the first 15 claims are not subject to the claim fee, but for the 16th and each subsequent claim the fee is increased to € 200,00.

From April

1, 2009, the claim fee for the 51st and each subsequent claim is set to € 500,00

The

following table illustrates the effects of such a rise on the overall claim fee:

Claim
fee for:

until
March 31, 2008

from
April 1, 2008

from

April 1, 2009

up
to 10 claims

€
0,00

€
0,00

€
0,00

15
claims

€
225,00

€
0,00

€
0,00

20
claims

€
450,00

€
1.000,00

€
1.000,00

30
claims

€
900,00

€ 3.000,00

€ 3.000,00

50
claims

€
1.800,00

€ 8.000,00

€ 8.000,00

75
claims

€ 2.925,00

€
12.000,00

€
20,500,00

100
claims

€
4.050,00

€
17.000,00

€
33.000,00

150
claims

€
6.300,00

€
27.000,00

€
58.000,00

It is
apparent that the increase is very relevant beyond the 30th claim,
substantially prohibitive for applications with 50 claims or more.
It goes without saying that the above rise mainly affects the chemistry patents
and the emerging technologies such as biotech, nanotech etc., and the
computer-related patents as well.

Renewal fees

For these
fees, the rise is less marked (see the following table), being comprised in a
range from 18% to 55%.

Renewal
fee

until
March 31, 2008

from
April 1, 2008

for
the 3rd year

€
400,00

€
400,00

for
the 4th year

€
425,00

€
500,00

for
the 5th year

€
450,00

€
700,00

for
the 6th year

€
745,00

€
900,00

for
the 7th year

€
770,00

€
1.000,00

for
the 8th year

€
800,00

€
1.100,00

for
the 9th year

€
1.010,00

€
1.200,00

for
the 10th and each subsequent year

€
1.065,00

€
1.350,00

but the
surcharge for the late payment of a renewal fee with six months after the
missing deadline (grace period provided by the EP regulations) will be 50% of
the belated renewal fee, instead of 10%, thus multiplying the effects of the
above increase.