

NEW EPO FEES – EFFECTIVE 1 APRIL 2010

The EPO has announced new levels of official fees that will apply to payments made on or after 1 April 2010. The new levels of the main EPO fees and EPO renewal fees are summarized in the table below.

Main EPO Fees – New Levels Effective 1 April 2010	New fee €	Present fee €
Online filing fee	105	100
Page fee on filing - for page 36 onwards – per page	13	12
Search fee	1105	1050
Unitary designation fee (applies to applications filed on or after 1 April 2009)	525	500
Per country designation fee (applies only to applications filed before 1 April 2009)	90	85
Claims fee – for claim 16 onwards – per claim	210	200
Claims fee – for claim 51 onwards – per claim (applies to applications filed on or after 1 April 2009)	525	500
Examination fee	1480	1405
Fee for grant	830	790
Page fee on grant - for page 36 onwards – per page (applies only to applications filed before 1 April 2009)	13	12
Appeal fee	1180	1120
Opposition fee	705	670
EPO Renewal Fees – New Levels Effective 1 April 2010		
Year 3	420	400
Year 4	525	500
Year 5	735	700
Year 6	945	900
Year 7	1050	1000
Year 8	1155	1100
Year 9	1260	1200
Year 10 onwards	1420	1350

The new levels applying to fee payments on or after 1 April 2010 represent an increase of around 5%. Although in some cases early payment of fees might be considered in order to avoid the increase, the potential benefit will need to be balanced against available budget resources and the additional administrative cost and effort of bringing forward actions needed to enable fees to be paid early.

FEES DUE ON FILING OF NEW DIRECT EP APPLICATIONS AND NEW EURO-PCT APPLICATIONS - New direct EP applications must be filed before 1 April 2010 to enable applicable fees (normally only the filing and search fees – possible page and claim fees are not considered here) to be paid before that date. The saving on the normal fees would be €60. New Euro-PCT applications must enter the European regional phase before 1 April 2010 to enable applicable fees (normally only the filing, search, examination and designation fees) to be paid before that date. The saving on the normal Euro-PCT fees would be €160.

GENERAL FEES ON PENDING APPLICATIONS - Only if the term for payment of the relevant fee has already started before 1 April 2010 can the fee concerned be paid before that date. The maximum saving on a main EPO fee would be €75 (examination fee).

EPO RENEWAL FEES – The EPO has restricted the early payment period for renewal fees to three months. This means that only renewal fees normally due in April, May and June 2010 could be paid early (before 1 April 2010) to avoid the fee increase. The saving ranges from €20 to €70 depending on the renewal fee due.

EPO DIVISIONALS - The new version of Rule 36(1) EPC which comes into force on 1 April 2010 sets deadlines for the filing of divisional applications. Transitional provisions mean that no deadline can expire before 1 October 2010. However, since “retrospective” renewal fees are usually payable for divisionals, savings could be made by filing any contemplated divisional before 1 April 2010 and paying the relevant fees, including the “retrospective” renewal fees, before that date. We realize that the administrative cost and effort involved in bringing forward the filing of divisionals, and budgetary considerations, may make the filing of contemplated divisionals before 1 April 2010 impractical.