

New EPO Fees Structure as of 1 April 2009

The EPO has introduced a new fee structure that will enter into force on 1 April 2009. These changes have been introduced in order to give Applicants an incentive to reduce the length of their applications as well as the number of claims. Therefore, as of 1st April 2009, Applicants that file applications with a large number of pages and/or a large number of claims will be penalized by the EPO. The new EPO fee structure applies to all European patent applications and divisional applications filed on or after 1 April 2009 as well as to all international patent applications (PCT) entering the European regional phase on or after that date. However it is still possible to file EP applications that will be affected by the new fees structure before 1 April 2009 in order to avoid some of the new fees, see below.

For your information, the Notice from the EPO is published at:

<http://www.epo.org/patents/law/legal-texts/InformationEPO/archiveinfo/20090126.html>

Two-tier claims fees:

For European patent applications with a filing date or date of entry into the European regional phase of **1 April 2009** or later, a two-tier system of claims fees structure will apply:

1. For each claim from the 16th to the 50th: EUR 200.- (already introduced since April 1, 2008)
2. For the 51st and each subsequent claim: EUR 500.-

Additional fee as part of the filing fee for applications with pages in excess of 35:

As of 1 April 2009, the additional fee for pages in excess of thirty five will be payable at the time of paying the filing fee. The fee amounts to EUR 12.- for the 36th and each subsequent page of the application.

Sequences listings complying with WIPO Standard ST. 25 and that are presented as a separate part of the description are excluded from this additional fee.

Please also note that the pages of the Request for grant do not count (EPO form 1001)

Flat designation fee:

As you already know, under EPC 2000, the designation system has been simplified and consequently all the EPC contracting states are deemed to be designated at the time of filing the EP patent application.

As of **1 April 2009**, for European patent applications filed or entering the European regional phase, one single flat designation fee of EUR 500.- will cover the designation of all available EPC contracting states, unless individual designations are expressly withdrawn.

Fee for grant:

The grant fee for European patent applications filed or entering the European regional phase on or after **1 April 2009** will be a flat fee of EUR 790.- as the page fee ceases to be payable at the grant stage.

Our recommendations:

As the new fee structure will apply to any EP applications that are filed **on or after 1 April 2009**, if some of your patent applications may be adversely affected by the new EPO fees structure, we recommend that Applicants consider the following action:

1. If you have patent application having **more than 50 claims**, it is advisable to file the application **before 1 April 2009**. In most of the cases, it is always possible to reduce the number of claims without affected the scope of protection. Obviously our firm will be pleased to assist you in this strategy.
2. For application having **more than 35 pages long**, we would recommend filing the EP application **before 1 April 2009**.
3. For applicants wishing to designate **five or fewer contracting states**, a cost saving will be made by filing **before 1 April 2009**.

Should you have any further questions or concerns, please do not hesitate to contact us.

Emmanuel Jelsch

Katzarov SA
Rue des Epinettes 19
1227 Geneva, Switzerland
Tel +41 22 342 66 30
Fax+41 22 342 66 15

www.katzarov.com
patents@katzarov.com