

## INCREASES IN FEES AT THE EPO

From 1 April 2008, fees payable for patent applications at the European Patent Office will be increasing. Most of the increases are in the region of 5-6%, but some fees will increase significantly more than this as detailed below.

### 1. Excess Claims Fees

Currently, for each claim in excess of ten, a claims fee of €45 is payable. This will change to **€200 for each claim in excess of fifteen**. As a result, applications having up to 15 claims will no longer be subject to claims fees. For applications having more than 16 claims the new fee structure will result in higher payments.

The new claims fees structure will also apply during the grant procedure, to the extent that the number of claims at grant exceeds that for which claims fees were paid on filing.

Further increases in claims fees will come into force on 1 April 2009, when a claims fee of €500 will become payable for each claim in excess of fifty.

The following table illustrates the impact of forthcoming changes in claims fees.

Number of claims	Excess claims fees before 1 April 2008	Excess claims fees on or after 1 April 2008	Excess claims fees on or after 1 April 2009
10	€ 0	€ 0	€ 0
11	€ 45	€ 0	€ 0
12	€ 90	€ 0	€ 0
13	€ 135	€ 0	€ 0
14	€ 180	€ 0	€ 0
15	€ 225	€ 0	€ 0
16	€ 270	€ 200	€ 200
17	€ 315	€ 400	€ 400
18	€ 360	€ 600	€ 600
19	€ 405	€ 800	€ 800
20	€ 450	€ 1,000	€ 1,000
25	€ 675	€ 2,000	€ 2,000
30	€ 900	€ 3,000	€ 3,000
40	€ 1,350	€ 5,000	€ 5,000
50	€ 1,800	€ 7,000	€ 7,000
60	€ 2,250	€ 9,000	€ 12,000
70	€ 2,700	€ 11,000	€ 17,000
80	€ 3,150	€ 13,000	€ 22,000
90	€ 3,600	€ 15,000	€ 27,000
100	€ 4,050	€ 17,000	€ 32,000

### 2. Renewal Fees

There will be increases in renewal fees for pending applications of between 18 and 27%, with the larger increases applied to longer pending applications.

For late payments of renewal fees, the surcharge payable will also be increasing from 10% of the renewal fee to 50% of the renewal fee.

### **3. Advice to clients**

The new fee structure will be applicable for all fees paid on or after 1 April 2008. Our recommendation therefore is that, where possible, any fees that can be paid before this date are paid, instead of delaying payment until the latest possible date.

If possible, applications having large numbers of claims should be filed before 1 April 2008. Please let us have instructions as soon as possible.

If any divisional applications are being considered in the near future, in particular for long-pending parent applications or those with large number of claims, we strongly recommend that we receive your instructions for filing such divisional application no later than **1 March 2008** so that arrangements can be made to prepare and file the applications in good time.

After 1 April 2008, we will be able to advise on a case-by-case basis an optimum strategy for filing applications having large numbers of claims. In some cases, savings in fees can be made by consolidating and/or removing claims without adversely affecting the possible scope of the granted patent.

For further advice, please contact your usual representative at Potter Clarkson.

The information in this Newsletter was correct at the date of release. More up to date information is available by contacting Potter Clarkson LLP. All comments contained here are of a general nature and full professional advice should be sought on any specific problem. Please note that all our Newsletters can be found on our website at [www.potterclarkson.com](http://www.potterclarkson.com).

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