



FURTHER FEE CHANGES AT THE EPO

With effect from **1 April 2009**, changes are being made to fees that are payable to the European Patent Office on filing new patent applications. This applies to direct European applications and to international (PCT) applications entering the European regional phase.

The overall effect of the new fee structure is likely to have little impact on most applications. However, for applications having large numbers of claims or a large number of pages, fees payable on filing may be higher under the new fee structure.

Page Charges

At present, a charge of €12 is applied for each page in excess of 35, but this is not payable until the application is approved for grant. As from 1 April 2009, this charge will be payable on filing, instead. I.e. it will not be levied again at grant. For applications having large numbers of pages, this will consequently increase the filing costs. Page charges apply for the description, claims, drawings and abstract but not for sequence listings (provided that the sequences are presented in the formal listing style (WIPO Standard ST. 25), rather than in any other format, for example as drawings).

Designation Fee

Currently, up to seven designation fees can be paid on filing a European application, depending on the number of member countries designated. If seven such fees are paid, then all states are (by default) deemed to have been designated. From 1 April 2009, only one designation fee, covering all available states, will be payable on filing.

For applicants who would be designating all member states by paying the maximum number of fees, this will have little effect because the new fee is only slightly less than seven times the current designation fee.

Excess Claims Fees

As mentioned in our previous newsletter of 24 January 2008, the current excess claims fee structure is to be further altered as from 1 April 2009, so that a higher fee of €500 becomes payable for each claim over 50. In practice, due to the fact that there is already a fee of €200 payable on each claim over 15, very few applications include more than 50 claims.

Advice

If you are contemplating filing an application with a very large number of pages, or more than 50 claims, you may wish to consider filing the application before the new fees take effect. If you do wish the application to be filed before then, please let us have your instructions by **15 March 2009**, at the latest.

For further advice on this issue, please contact your usual Potter Clarkson representative.

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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: www.potterclarkson.com.

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