

A Not So Happy New Year from the EPO – Significant fee increases particularly claims fees

The European Patent Office (EPO) has begun 2008 by announcing a number of increases to their official fees. Most of the changes come into force in April 2008, but some have been delayed until April 2009.

Of particular note is a fundamental change regarding the payment of excess claims fees. Traditionally a set fee, current €45, is payable for each claim in excess of ten. However, from 1st April 2008 no fee will be payable for the first fifteen claims of a European (or EPO-PCT application). Instead, the 16th and each subsequent claim will attract a much larger fee of €200.

In addition to general fee increases, the EPO has sharply increased maintenance fees payable in respect of pending European applications, and the penalty for late payment (rising from 10% to 50%). A summary of the changes is as follows:

Renewal Year	Current fees	Fees from 1 April 2008
3	400	400
4	425	500
5	450	700
6	745	900
7	770	1000
8	800	1100
9	1010	1200
10+	1065	1350

The changes in April 2009 again relate to excess claims fees, as well as to the payment of designation fees, and the introduction of an excess page fee. A further tier of excess claims fees will be payable (€500) for the 51st and each subsequent claim. The 16th and each subsequent claim up to the 50th will, similar to the 2008 changes, attract a fee of €200 per claim.

In addition for 2009, and instead of paying a separate designation fee for each EPC contracting state up to a maximum of seven, a single designation fee of €500 will be introduced. Finally, a fee of €12 will be payable on filing for each page of a European patent application in excess of thirty five, but **not** counting pages forming part of a sequence listing.

If you are due to enter the European Regional Phase in the next 6 months, we would suggest that you consider entering early, i.e. before 1st April 2008, if your application comprises more than 16 claims.

Further guidance on how best to proceed in light of these changes can be obtained from your usual Mathys & Squire contact.