

**EUROPEAN PATENT OFFICE**

**Rules Relating to Fees**

as last amended on December 14, 2022

as in force as from 1 April 2023.

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**Article 1 General**

The following shall be levied in accordance with the provisions contained in these Rules:

- (a) fees due to be paid to the European Patent Office (hereinafter referred to as the Office) as provided for in the Convention and in the Implementing Regulations and the fees and expenses which the President of the Office lays down pursuant to Article 3, paragraph 1;
- (b) fees and expenses pursuant to the Patent Cooperation Treaty (hereinafter referred to as the PCT), the amounts of which may be fixed by the Office.

**Article 2 Fees provided for in the Convention and in the Implementing Regulations**

(1) The fees due to be paid to the Office under Article 1, unless otherwise provided in paragraph 2, shall be as follows:

1. Filing fee		EUR
(Article 78, paragraph 2)		
(i) where the European patent application or, if required, its translation (Article 14, paragraph 2) is filed online in character-coded format, or, in the case of an international application, if within the 31-month period (Rule 159, paragraph 1) the form for entry into the European phase (EPO Form 1200) and the international application or, if required, its translation (Rule 159, paragraph 1(a)), and any amendments for processing in the European phase (Rule 159, paragraph 1(b)), are all filed online in character-coded format		105
(ii) where all documents referred to in item 1(i) are filed online, but any one of them is filed in a format other than character-coded format		135
(iii) in all other cases		285
1a. Additional fee		EUR
for a European patent application comprising more than 35 pages (not counting pages forming part of a sequence listing) (Rule 38, paragraph 2)		plus EUR 17 for the 36th and each subsequent page

1b. Additional fee	EUR
in the case of a divisional application filed in respect of any earlier application which is itself a divisional application (Rule 38, paragraph 4)	
- fee for a divisional application of second generation	235
- fee for a divisional application of third generation	480
- fee for a divisional application of fourth generation	715
- fee for a divisional application of fifth or any subsequent generation	955
2. Search fee in respect of	EUR
- a European or supplementary European search on an application filed on or after 1 July 2005 (Article 78, paragraph 2, Rule 62, Rule 64, paragraph 1, Rule 56a, paragraph 8, Article 153, paragraph 7, Rule 164, paragraphs 1 and 2)	1460
- a European or supplementary European search on an application filed before 1 July 2005 (Article 78, paragraph 2, Rule 64, paragraph 1, Article 153, paragraph 7)	1000
- an international search (Rule 16.1 PCT, Rule 40bis PCT in conjunction with Rule 20.5bis PCT, and Rule 158, paragraph 1)	1775
- a supplementary international search (Rule 45bis.3(a) PCT)	1775
3. Designation fee	EUR
for one or more Contracting States (Article 79, paragraph 2) in respect of an application filed on or after 1 April 2009	660
4. Renewal fees	EUR
for the European patent application (Article 86, paragraph 1), calculated in each case from the date of filing of the application	
- for the 3rd year	530
- for the 4th year	660
- for the 5th year	925
- for the 6th year	1180
- for the 7th year	1305
- for the 8th year	1440
- for the 9th year	1570
- for the 10th and each subsequent year	1775

5. Additional fee		EUR
for belated payment of a renewal fee for the European patent application (Rule 51, paragraph 2)		50% of the belated renewal fee
6. Examination fee		EUR
(Article 94, paragraph 1) in respect of		
- an application filed before 1 July 2005		2055
- an application filed on or after 1 July 2005		1840
- an international application filed on or after 1 July 2005 for which no supplementary European search report is drawn up (Article 153, paragraph 7)		2055
7. Fee for grant		EUR
including fee for publication of the European patent specification (Rule 71, paragraph 3), in respect of an application filed on or after 1 April 2009		
(i) where on or after 1 April 2018 all amendments and corrections of the application, if any, and the translation of the claims are filed online in character-coded format		930
(ii) in all other cases		
- where the fee for grant is paid between 1 April 2018 and [date to be set by the President of the Office]		1040
- where the fee for grant is paid on or after [date to be set by the President of the Office]		1150
8. Fee for publishing		EUR
a new specification of the European patent (Rule 82, paragraph 2, Rule 95, paragraph 3)		85
9. Surcharge		EUR
for late performance of the acts required to maintain the European patent in amended form (Rule 82, paragraph 3, Rule 95, paragraph 3)		135
10. Opposition fee		EUR
(Article 99, paragraph 1, Article 105, paragraph 2)		880
10a. Limitation or revocation fee		EUR
(Article 105a, paragraph 1)		
- request for limitation		1305
- request for revocation		590

11. Fee for appeal		EUR
(Article 108) for an appeal filed		
- by a natural person or an entity referred to in Rule 6, paragraphs 4 and 5		2015
- by any other entity		2925
11a. Fee for petition for review		EUR
(Article 112a, paragraph 4)		3270
12. Fee for further processing		EUR
(Rule 135, paragraph 1)		
- in the event of late payment of a fee		50%
		of the relevant fee
- in the event of late performance of the acts required under Rule 71, paragraph 3		290
- other cases		290
13. Fee for re-establishment of rights / fee for requesting restoration / fee for reinstatement of rights		EUR
(Rule 136, paragraph 1, Rule 26bis.3(d) PCT, Rule 49ter.2(d) PCT, Rule 49.6(d) (i) PCT)		720
14. Conversion fee		EUR
(Article 135, paragraph 3, and Article 140)		85
14a. Fee for late furnishing of a sequence listing		
(Rule 30, paragraph 3)		255
15. Claims fee		EUR
(Rule 45, paragraph 1, Rule 71, paragraph 4, and Rule 162, paragraph 1) in respect of an application filed on or after 1 April 2009		
- for the 16th and each subsequent claim up to the limit of 50		265
- for the 51st and each subsequent claim		660
16. Fee for the awarding of costs		EUR
(Rule 88, paragraph 3)		85
17. Fee for the conservation of evidence		EUR
(Rule 123, paragraph 3)		85
18. Transmittal fee for an international application		EUR
(Rule 157, paragraph 4)		
- where the PCT request (PCT/RO/101) and the international application are filed with the Office as receiving Office online in character-coded format		0
- in all other cases		145
19. Fee for the preliminary examination of an international application		EUR
(Rule 58 PCT and Rule 158, paragraph 2)		1840

20. Fee for a technical opinion		EUR
(Article 25)		4385
21. Protest fee		EUR
(Rule 158, paragraph 3, Rule 40.2(e) PCT and Rule 68.3(e) PCT)		980
22. Review fee		EUR
(Rule 45bis.6(c) PCT)		980

(2) For European patent applications filed before 1 April 2009 and international applications which entered the regional phase before that date, the amount of the fees specified in Article 2, item 3, item 3a, item 7 and item 15 of the Rules relating to Fees as in force until 31 March 2009 shall be as follows:

3. Designation fee		EUR
for each contracting state designated (Article 79, paragraph 2), designation fees being deemed paid for all contracting states upon payment of seven times the amount of this fee		115
3a. Joint designation fee		EUR
for the Swiss Confederation and the Principality of Liechtenstein		115
7. Fee for grant		EUR
Fee for grant, including fee for printing the European patent specification (Rule 71, paragraph 3), where the application documents to be printed comprise:		
7.1 not more than 35 pages and		
(i) on or after 1 April 2018 all amendments and corrections of the application, if any, and the translation of the claims are filed online in character-coded format		930
(ii) in all other cases		
- where the fee for grant is paid between 1 April 2018 and [date to be set by the President of the Office]		1040
- where the fee for grant is paid on or after [date to be set by the President of the Office]		1150
7.2 more than 35 pages The relevant amount of item 7.1		plus EUR 16 for the 36th and each subsequent page
15. Claims fee		EUR
for the sixteenth and each subsequent claim (Rule 45, paragraph 1, Rule 71, paragraph 4, Rule 162, paragraph 1)		265

(3) The President of the Office shall determine the formats referred to in Article 2, paragraphs 1 and 2, and may specify the conditions under which a document referred to in Article 2, paragraphs 1 and 2, is deemed to have been filed online in character-coded format.

(4) Fee levels which relate to the use of a means of electronic communication or a format referred to in Article 2, paragraphs 1 and 2, shall not apply until a date set by the President of the Office.

### **Article 3 Fees, expenses and prices laid down by the President of the Office**

(1) The President of the Office shall lay down the amount of the administrative fees provided for in the Implementing Regulations and, where appropriate, the amount of the fees and expenses for any services rendered by the Office other than those specified in Article 2.

(2) He shall also lay down the prices of the publications referred to in Articles 93, 98, 103 and 129 of the Convention.

(3) The amounts of the fees provided for in Article 2 and of the fees and expenses laid down in accordance with paragraph 1 shall be published in the Official Journal and on the website of the European Patent Office.

### **Article 4 Due date for fees**

(1) Fees in respect of which the due date is not specified in the provisions of the Convention or of the PCT or of the Implementing Regulations thereto shall be due on the date of receipt of the request for the service incurring the fee concerned.

(2) The President of the Office may decide not to make services within the meaning of paragraph 1 dependent upon the advance payment of the corresponding fee.

### **Article 5 Payment of fees**

(1) The fees due to the Office shall be paid in euro by payment or transfer to a bank account held by the Office.

(2) The President of the Office may allow other methods of paying fees than those set out in paragraph 1.

**Article 6 Particulars concerning payments**

(1) Every payment must indicate the name of the person making the payment and must contain the necessary particulars to enable the Office to establish immediately the purpose of the payment.

(2) If the purpose of the payment cannot immediately be established, the Office shall require the person making the payment to notify it in writing of this purpose within such period as it may specify. If he does not comply with this request in due time the payment shall be considered not to have been made.

**Article 7 Date to be considered as the date on which payment is made**

(1) The date on which any payment shall be considered to have been made to the Office shall be the date on which the amount of the payment or of the transfer is actually entered in a bank account held by the Office.

(2) Where the President of the Office allows, in accordance with the provisions of Article 5, paragraph 2, other methods of paying fees than those set out in Article 5, paragraph 1, he shall also lay down the date on which such payments shall be considered to have been made.

(3) Where, under the provisions of paragraphs 1 and 2, payment of a fee is not considered to have been made until after the expiry of the period in which it should have been made, it shall be considered that this period has been observed if evidence is provided to the Office that the person who made the payment fulfilled one of the following conditions in a Contracting State within the period within which the payment should have been made:

- (i) he effected the payment through a banking establishment;
- (ii) he duly gave an order to a banking establishment to transfer the amount of the payment.

(4) The Office may request the person who made the payment to produce evidence as to the date on which a condition according to paragraph 3 was fulfilled within a period to be specified by it. If he fails to comply with this request or if the evidence is insufficient, the period for payment shall be considered not to have been observed.

### **Article 8 Insufficiency of the amount paid**

A time limit for payment shall in principle be deemed to have been observed only if the full amount of the fee has been paid in due time. If the fee is not paid in full, the amount which has been paid shall be refunded after the period for payment has expired. The Office may, however, in so far as this is possible within the time remaining before the end of the period, give the person making the payment the opportunity to pay the amount lacking. It may also, where this is considered justified, overlook any small amounts lacking without prejudice to the rights of the person making the payment.

### **Article 9 Refund of search fees**

(1) The search fee paid for a European or supplementary European search shall be fully refunded if the European patent application is withdrawn or refused or deemed to be withdrawn at a time when the Office has not yet begun to draw up the search report.

(2) Where the European search report is based on an earlier search report prepared by the Office on an application whose priority is claimed or an earlier application within the meaning of Article 76 of the Convention or of Rule 17 of the Convention, the Office shall refund to the applicant, in accordance with a decision of its President, an amount which shall depend on the type of earlier search and the extent to which the Office benefits from the earlier search report when carrying out the subsequent search.

### **Article 10 Refund of the fee for a technical opinion**

An amount of 75% of the fee for a technical opinion under Article 25 of the Convention shall be refunded if the request for a technical opinion is withdrawn at a time when the Office has not yet begun to draw up the technical opinion.

### **Article 11 Refund of examination fee**

The examination fee provided for in Article 94, paragraph 1, of the Convention shall be refunded:

(a) in full if the European patent application is withdrawn, refused or deemed to be withdrawn before the substantive examination has begun;

(b) at a rate of 50% if the European patent application is withdrawn after substantive examination has begun and

-before expiry of the time limit for replying to the first invitation under Article 94, paragraph 3, of the Convention issued by the

Examining Division proper or,  
-if no such invitation has been issued by the Examining Division,  
before the date of the communication under Rule 71, paragraph 3,  
of the Convention.

#### **Article 12 Refund of insignificant amounts**

Where too large a sum is paid to cover a fee, the excess shall not be refunded if the amount is insignificant and the party concerned has not expressly requested a refund. The President of the Office shall determine what constitutes an insignificant amount.

#### **Article 13 Termination of financial obligations**

(1) Rights of the Organisation to the payment of a fee to the European Patent Office shall be extinguished after four years from the end of the calendar year in which the fee was due.

(2) Rights against the Organisation for the refunding by the European Patent Office of fees or sums of money paid in excess of a fee shall be extinguished after four years from the end of the calendar year in which the right arose.

(3) The period laid down in paragraphs 1 and 2 shall be interrupted in the case covered by paragraph 1 by a request for payment of the fee and in the case covered by paragraph 2 by a reasoned claim in writing. On interruption it shall begin again immediately and shall end at the latest six years after the end of the year in which it originally began, unless, in the meantime, judicial proceedings to enforce the right have begun; in this case the period shall end at the earliest one year after the judgment enters into force.

(4) The President of the European Patent Office may waive action for the enforced recovery of any sum due if the sum to be recovered is minimal or if such recovery is too uncertain.

#### **Article 14 Reduction of fees**

(1) The reduction laid down in Rule 6, paragraph 3, of the Convention shall be 30% of the filing fee or examination fee.

(2) Where the European Patent Office has drawn up an international preliminary examination report, the examination fee shall be reduced by 75%. If the report was established on certain parts of the

international application in accordance with Article 34, paragraph 3(c), PCT, the fee shall not be reduced if subject-matter not covered by the report is to be examined.

**Article 15 Entry into force**

These Rules shall enter into force on 20 October 1977.