

**IMPLEMENTING REGULATIONS TO THE EUROPEAN PATENT
CONVENTION**
of 5 October 1973

RULES RELATING TO FEES OF THE EUROPEAN PATENT CONVENTION
of 20 October 1977

as amended by decision of the Administrative Council of the European Patent
Organisation
of 14 December 2023

Article 1

The Implementing Regulations to the EPC are amended as follows:

1. Paragraphs 3 to 7 of Rule 6 are deleted.
2. The title of Rule 6 is amended to read as follows:

„Filing of translations”

3. The following new Rule 7a is inserted:

„Rule 7a
Reduction of fees

(1) Where a person referred to in Article 14, paragraph 4, files a European patent application or a request for examination in a language admitted in that provision, the filing fee or examination fee shall be reduced in accordance with the Rules relating to Fees.

(2) The reduction of fees referred to in paragraph 1 shall be available for:

- a) microenterprises;
- b) small and medium-sized enterprises;
- c) natural persons;
- d) non-profit organisations, universities or public research organisations.

(3) Where a microenterprise, natural person, non-profit organisation, university or public research organisation files a European patent application or, in respect of an international application, performs the acts referred to in Rule 159, the following fees shall be reduced in accordance with the Rules relating to Fees:

- a) filing fee;
- b) fee for a European or supplementary European search;
- c) examination fee, and in addition the previously paid international search fee where the European Patent Office acted as International Searching Authority;
- d) designation fee;
- e) fee for grant;
- f) renewal fees for the European patent application.

(4) The reduction of fees referred to in paragraph 3 shall not be available where the same person has filed five or more European patent applications or Euro-PCT applications within a period of five years preceding

- the date of filing of the European patent application concerned or
- the date of entry into the European phase of the Euro-PCT application concerned.

The relevant date for previous applications shall be the date of filing in the case of a European patent application or the date of entry into the European phase in the case of a Euro-PCT application.

(5) In the case of multiple persons filing a European patent application or a Euro-PCT application, the reduction under paragraph 1 or 3 shall be available only if each applicant fulfils the applicable eligibility criteria.

(6) The eligibility criteria laid down in paragraphs 1 to 3 shall be fulfilled on the date of the payment of the fee concerned.”

4. The following new Rule 7b is inserted:

„Rule 7b
Declaration of eligibility for a reduction of fees

(1) Applicants wishing to benefit from a reduction of fees under Rule 7a, paragraph 1 or 3, shall declare themselves to be a person within the meaning of Rule 7a, paragraph 2 or 3, at the latest when the first reduced payment is made.

(2) Applicants shall inform the European Patent Office of any change of status affecting eligibility for a reduction of fees at the latest when the fee concerned is paid.

(3) In the event of reasonable doubt as to the veracity of the declaration within the meaning of paragraph 1 or, subsequently, as to the applicant's eligibility for a reduction of fees, the European Patent Office may request evidence.

(4) Should it become apparent that an incorrect declaration has been filed or the European Patent Office has not been informed of a change of status in accordance with paragraph 2 and a reduced payment is made, the fee shall be deemed not to have been paid and the application shall be deemed to be withdrawn.”

5. The second sentence of Rule 82, paragraph 2, is amended to read as follows:

„Otherwise, the Opposition Division shall, on expiry of the period under paragraph 1, invite the proprietor of the patent to file a translation of any amended claims in the official languages of the European Patent Office other than the language of the proceedings, within a period of three months.”

6. Paragraph 3 of Rule 82 is amended to read as follows:

„ (3) If the acts required under paragraph 2 are not performed in due time, they may still be performed within two months of a communication concerning the failure to observe the time limit. Otherwise, the patent shall be revoked.”

7. Paragraph 3 of Rule 95 is amended to read as follows:

„(3) If a request for limitation is allowable under paragraph 2, the Examining Division shall communicate this to the requester and invite him to file a translation of the amended claims in the official languages of the European Patent Office other than the language of the proceedings, within a period of three months; Rule 82, paragraph 3, first sentence, shall apply mutatis mutandis. If the requester performs these acts in due time, the Examining Division shall limit the patent.”

8. Paragraph 3 of Rule 123 is deleted. Paragraph 4 is renumbered as paragraph 3 accordingly.

9. The first sentence of Rule 146 is amended to read as follows:

„Subject to the restrictions laid down in Article 128, paragraphs 1 to 4, and in Rule 144, the European Patent Office may, upon request, communicate information concerning any file relating to a European patent application or European patent.”

Article 2

Paragraphs 1 and 2 of Article 2 of the Rules relating to Fees are amended to read as follows:

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

| | EUR |
|---|---|
| 1. Filing fee (Article 78, paragraph 2) | |
| (i) where the European patent application or, in the case of an international application, the form for entry into the European phase (EPO Form 1200) is filed online | 135 |
| (ii) where the European patent application or, in the case of an international application, the form for entry into the European phase (EPO Form 1200) is not filed online | 285 |
| 1a. Additional fee 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 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 | |
| – 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) | 1 520 |
| – 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) | 1 040 |
| – an international search (Rule 16.1 PCT, Rule 40 <i>bis</i> PCT in conjunction with Rule 20.5 <i>bis</i> PCT, and Rule 158, paragraph 1) | 1 845 |
| – a supplementary international search [Rule 45 <i>bis</i> .3(a) PCT] | 1 845 |
| 3. Designation fee for one or more Contracting States (Article 79, paragraph 2) in respect of an application filed on or after 1 April 2009 | 685 |

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| 4. Renewal fees 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 | 690 |
| – for the 4th year | 845 |
| – for the 5th year | 1 000 |
| – for the 6th year | 1 155 |
| – for the 7th year | 1 310 |
| – for the 8th year | 1 465 |
| – for the 9th year | 1 620 |
| – for the 10th and each subsequent year | 1 775 |
| 5. Additional fee 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 (Article 94, paragraph 1) in respect of | |
| – an application filed before 1 July 2005 | 2 135 |
| – an application filed on or after 1 July 2005 | 1 915 |
| – an international application filed on or after 1 July 2005 for which no supplementary European search report is drawn up (Article 153, paragraph 7) | 2 135 |
| 7. Fee for grant 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 | 1 080 |
| 8. <i>deleted</i> | |
| 9. <i>deleted</i> | |
| 10. Opposition fee (Article 99, paragraph 1, Article 105, paragraph 2) | 880 |
| 10a. Limitation or revocation fee (Article 105a, paragraph 1) | |
| – request for limitation | 1 355 |
| – request for revocation | 615 |
| 11. Fee for appeal (Article 108) for an appeal filed | |
| – by any person referred to in Rule 7a, paragraph 2 (a) to (d) | 2 015 |
| – by any other person | 2 925 |
| 11a. Fee for petition for review (Article 112a, paragraph 4) | 3 400 |
| 12. Fee for further processing (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 | 300 |
| – other cases | 300 |
| 13. Fee for re-establishment of rights/fee for requesting restoration/fee for reinstatement of rights (Rule 136, paragraph 1, Rule 26bis.3(d) PCT, Rule 49ter.2(d) PCT, Rule 49.6(d)(i) PCT) | 750 |

| | |
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| 14. Conversion fee (Article 135, paragraph 3, Article 140) | 0 |
| 14a. Fee for late furnishing of a sequence listing (Rule 30, paragraph 3) | 265 |
| 15. Claims fee (Rule 45, paragraph 1, Rule 71, paragraph 4, 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 | 275 |
| – for the 51st and each subsequent claim | 685 |
| 16. Fee for the awarding of costs (Rule 88, paragraph 3) | 90 |
| 17. <i>deleted</i> | |
| 18. Transmittal fee for an international application (Rule 157, paragraph 4) | 150 |
| 19. Fee for the preliminary examination of an international application (Rule 58 PCT and Rule 158, paragraph 2) | 1 915 |
| 20. Fee for a technical opinion (Article 25) | 4 560 |
| 21. Protest fee [Rule 158, paragraph 3, Rule 40.2(e) PCT, Rule 68.3(e) PCT] | 1 020 |
| 22. Review fee (Rule 45 <i>bis</i> .6(c) PCT) | 1 020 |
| (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 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 | 120 |
| 3a. Joint designation fee for the Swiss Confederation and the Principality of Liechtenstein | 120 |
| 7. 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 | 1 080 |
| 7.2 more than 35 pages | The amount of item 7.1 plus EUR 18 for the 36th and each subsequent page |

15. Claims fee for the sixteenth and each subsequent claim (Rule 45, paragraph 1, Rule 71, paragraph 4, Rule 162, paragraph 1)

275”.

Paragraphs 3 and 4 of Article 2 of the Rules relating to Fees are deleted.

Article 3

Article 14 of the Rules relating to Fees is amended to read as follows:

„Article 14 Reduction of fees

(1) The reduction laid down in Rule 7a, paragraphs 1 and 3, of the Convention shall be 30% of the relevant 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.

(3) If more than one reduction applies to the same fee for the same application, the reductions shall be calculated sequentially.”

Article 4

1. The fee for a supplementary European search on an international application for which the international search report or a supplementary international search report was drawn up by the Austrian Patent Office, or, in accordance with the Protocol on Centralisation, by the Finnish Patent and Registration Office, the Spanish Patent and Trademark Office, the Swedish Intellectual Property Office, the Turkish Patent and Trademark Office, the Nordic Patent Institute or the Visegrad Patent Institute is reduced by **EUR 1 300**.

2. If a reduction is granted as provided in paragraph 1, the maximum amount of the reduction in the fee for a supplementary European search is equal to the reduction granted on the basis of a single international search report or supplementary international search report drawn up by one of the authorities mentioned in paragraph 1.

Article 5

This decision enters into force on 1 April 2024.

Article 6

1. Without prejudice to paragraph 3, the new amounts of the fees specified in Article 2 of this decision apply to payments made on or after 1 April 2024.

2. The new amount of the transmittal fee for an international application applies to applications filed on or after 1 April 2024.

3. If within six months of 1 April 2024 a fee is paid in due time but only in the amount due before 1 April 2024, that fee will be deemed to have been validly paid if the deficit is made good within two months of an invitation to that effect from the European Patent Office.

4. Article 4 of this decision applies to international applications filed up to and including 31 March 2028 for which the international search report or supplementary international search report was drawn up by the Austrian Patent Office, the Finnish Patent and Registration Office, the Spanish Patent and Trademark Office, the Swedish Intellectual Property Office, the Turkish Patent and Trademark Office, the Nordic Patent Institute or the Visegrad Patent Institute and for which the fee for the supplementary European search is paid on or after 1 April 2024.

Article 7

Article 2 of decision CA/D 16/22 of 14 December 2022 (OJ EPO 2023, A25) is rescinded with effect from 1 April 2024 and replaced by Article 4 of this decision.

Done at Munich 14 December 2023