

# **Rules relating to Fees**

**of 20 October 1977**

**as adopted by decision of the Administrative Council of the European Patent Organisation of 7 December 2006 and as last amended by decision of the Administrative Council of 14 December 2021<sup>1</sup>**

**as in force as from 1 November 2022**

Footnotes and cross-references are added for the convenience of the reader; they do not form part of the official text.

<sup>1</sup> Consolidated version of the Rules relating to Fees applicable as from 1 November 2022.

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THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

HAVING REGARD to the European Patent Convention and in particular Article 33, paragraph 2(d), thereof,

HAS ADOPTED THE FOLLOWING RULES RELATING TO FEES:

**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<sup>2</sup>****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.<sup>3</sup> Filing fee**

(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 <sup>4</sup> | <b>100</b> |
| (ii) where all documents referred to in item 1(i) are filed online, <sup>5</sup> but any one of them is filed in a format other than character-coded format <sup>6</sup>   | <b>130</b> |
| (iii) in all other cases <sup>7</sup>  | <b>270</b> |

**1a.<sup>8</sup> 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)	<b>plus EUR 16</b>
for the 36th and each subsequent page	

<sup>2</sup> Last amended by decision of the Administrative Council CA/D 2/20 of 27.03.2020 (OJ EPO 2020, A36), which entered into force on 01.07.2020.

<sup>3</sup> Amended by decision of the Administrative Council CA/D 12/19 of 12.12.2019 (OJ EPO 2020, A3), which entered into force on 01.04.2020.

See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fee levels (OJ EPO 2019, A6).

<sup>4</sup> Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

<sup>5</sup> See decision of the President of the EPO and notice from the EPO of 09.05.2019 concerning the electronic filing of documents (OJ EPO 2018, A45 and A46).

<sup>6</sup> This fee level applies to all online filings until a date to be set by the President of the Office from which the fee level under (i) will become applicable.

<sup>7</sup> This fee level applies to all non-online filings.

<sup>8</sup> Inserted by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10) and amended by decision of the Administrative Council CA/D 5/08 of 09.12.2008 (OJ EPO 2009, 7), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118 and 2009, 338).

**1b.<sup>9</sup> 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	<b>225</b>
- fee for a divisional application of third generation	<b>455</b>
- fee for a divisional application of fourth generation	<b>680</b>
- fee for a divisional application of fifth or any subsequent generation	<b>910</b>

**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 <sup>10</sup> , Article 153, paragraph 7, Rule 164, paragraphs 1 <sup>11</sup> and 2)	<b>1 390</b>
- 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)	<b>950</b>
- an international search (Rule 16.1 PCT, Rule 40 <i>bis</i> PCT in conjunction with Rule 20.5 <i>bis</i> PCT, <sup>12</sup> and Rule 158, paragraph 1) <sup>13</sup>	<b>1 775</b>
- a supplementary international search (Rule 45 <i>bis</i> .3(a) PCT) <sup>14</sup>	<b>1 775</b>

**3.<sup>15</sup> Designation fee**

for one or more Contracting States (Article 79, paragraph 2) in respect of an application filed on or after 1 April 2009	<b>630</b>
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<sup>9</sup> Inserted by decision of the Administrative Council CA/D 14/13 of 13.12.2013 (OJ EPO 2014, A5), which entered into force on 01.04.2014.

<sup>10</sup> Inserted by decision of the Administrative Council CA/D 2/21 of 14.12.2021 (OJ EPO 2022, A3), which entered into force on 01.11.2022.

<sup>11</sup> Inserted by decision of the Administrative Council CA/D 14/13 of 13.12.2013 (OJ EPO 2014, A5), which entered into force on 01.11.2014.

<sup>12</sup> Inserted by decision of the Administrative Council CA/D 2/20 of 27.03.2020 (OJ EPO 2020, A36), which entered into force on 01.07.2020.

See notice from the EPO of 14.06.2020 concerning new Rule 20.5*bis* PCT on the correction of erroneous filings in the procedures before the EPO (OJ EPO 2020, A81).

<sup>13</sup> See decision of the Administrative Council CA/D 13/19 of 12.12.2019 concerning the reduction of this fee in favour of nationals of certain states (OJ EPO 2020, A4) and notice from the EPO of 06.07.2022 concerning the reduction of the fees for the international search and the international preliminary examination carried out on international applications in favour of nationals of certain states – revised list of states (OJ EPO 2022, A72).

<sup>14</sup> Inserted by decision of the Administrative Council CA/D 10/09 of 28.10.2009 (OJ EPO 2009, 593), which entered into force on 01.07.2010.

<sup>15</sup> Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118).

#### 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	<b>505</b>
- for the 4th year	<b>630</b>
- for the 5th year	<b>880</b>
- for the 6th year	<b>1 125</b>
- for the 7th year	<b>1 245</b>
- for the 8th year	<b>1 370</b>
- for the 9th year	<b>1 495</b>
- for the 10th and each subsequent year	<b>1 690</b>

#### 5.<sup>16</sup> 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	<b>1 955</b>
- an application filed on or after 1 July 2005	<b>1 750</b>
- an international application filed on or after 1 July 2005 for which no supplementary European search report is drawn up (Article 153, paragraph 7)	<b>1 955</b>

#### 7.<sup>17</sup> 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

<sup>16</sup> See decision of the Administrative Council CA/D 6/20 of 28.05.2020 (OJ EPO 2020, A70) and notice from the EPO of 29.05.2020 concerning the temporary suspension of the application of Rule 51(2) EPC with respect to the additional fee for belated payment of a renewal fee for a European patent application (OJ EPO 2020, A75).

<sup>17</sup> Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118).

Amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018. See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fee levels (OJ EPO 2019, A6).

(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<sup>18</sup> **885**

(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]<sup>19</sup> **990**

- where the fee for grant is paid on or after [date to be set by the President of the Office]<sup>20</sup> **1 095**

### **8.<sup>21</sup> Fee for publishing**

a new specification of the European patent (Rule 82, paragraph 2, Rule 95, paragraph 3) **80**

### **9. Surcharge**

for late performance of the acts required to maintain the European patent in amended form (Rule 82, paragraph 3, Rule 95, paragraph 3) **130**

### **10. Opposition fee**

(Article 99, paragraph 1, Article 105, paragraph 2) **840**

### **10a. Limitation or revocation fee**

(Article 105a, paragraph 1)

- request for limitation **1 245**

- request for revocation **560**

### **11. Fee for appeal<sup>22</sup>**

(Article 108) for an appeal filed

- by a natural person or an entity referred to in Rule 6, paragraphs 4 and 5 **2 015**

<sup>18</sup> Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

<sup>19</sup> This fee level applies for the fee for grant until the date to be set by the President of the Office from which the fee level under (ii) second indent will become applicable.

<sup>20</sup> Pursuant to Article 2, sentence 1, CA/D 11/18, (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

<sup>21</sup> Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009.

<sup>22</sup> Last amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

See notice from the EPO of 18.12.2017 concerning the reduced fee for appeal (Article 108 EPC) (OJ EPO 2018, A5).

See the possibility of reimbursement of the appeal fee (Rule 103 EPC) amended by decision of the Administrative Council CA/D 14/19 of 12.12.2019 (OJ EPO 2020, A5), which entered into force on 01.04.2020.

- by any other entity	<b>2 785</b>
<b>11a. Fee for petition for review</b>	
(Article 112a, paragraph 4)	<b>3 115</b>
<b>12. Fee for further processing</b>	
(Rule 135, paragraph 1)	
- in the event of late payment of a fee	<b>50%</b>
of the relevant fee	
- in the event of late performance of the acts required under Rule 71, paragraph 3	<b>275</b>
- other cases	<b>275</b>
<b>13.<sup>23</sup> Fee for re-establishment of rights/fee for requesting restoration/fee for reinstatement of rights</b>	
(Rule 136, paragraph 1, Rule 26 <i>bis</i> .3(d) PCT, Rule 49 <i>ter</i> .2(d) PCT, Rule 49.6(d)(i) PCT)	<b>685</b>
<b>14. Conversion fee</b>	
(Article 135, paragraph 3, Article 140)	<b>80</b>
<b>14a. Fee for late furnishing of a sequence listing</b>	
(Rule 30, paragraph 3)	<b>245</b>
<b>15.<sup>24</sup> Claims fee</b>	
(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	<b>250</b>
- for the 51st and each subsequent claim	<b>630</b>
<b>16. Fee for the awarding of costs</b>	
(Rule 88, paragraph 3)	<b>80</b>
<b>17. Fee for the conservation of evidence</b>	
(Rule 123, paragraph 3)	<b>80</b>

<sup>23</sup> Amended by decision of the Administrative Council CA/D 17/07 of 25.10.2007 (OJ EPO 2007, 533), which entered into force on 13.12.2007.

<sup>24</sup> Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118).



**18.<sup>25</sup> Transmittal fee for an international application**

(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<sup>26</sup> **0**

- in all other cases<sup>27</sup> **140**

**19. Fee for the preliminary examination of an international application**

(Rule 58 PCT and Rule 158, paragraph 2)<sup>28</sup> **1 830**

**20. Fee for a technical opinion**

(Article 25) **4 175**

**21.<sup>29</sup> Protest fee**

(Rule 158, paragraph 3, Rule 40.2(e) PCT, Rule 68.3(e) PCT) **935**

**22.<sup>30</sup> Review fee**

(Rule 45*bis*.6(c) PCT) **935**

(2)<sup>31</sup> 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 **110**

<sup>25</sup> Amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018. See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fees (OJ EPO 2019, A6).

<sup>26</sup> Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

<sup>27</sup> This fee level applies for any transmittal fee for an international application until the date to be set by the President of the Office from which the fee level in the first indent will become applicable.

<sup>28</sup> Last amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

See decision of the Administrative Council CA/D 13/19 of 12.12.2019 concerning the reduction of this fee in favour of nationals of certain states (OJ EPO 2020, A4).

<sup>29</sup> Amended by decision of the Administrative Council CA/D 6/11 of 27.10.2011 (OJ EPO 2011, 616), which entered into force on 01.04.2012.

<sup>30</sup> Inserted by decision of the Administrative Council CA/D 10/09 of 28.10.2009 (OJ EPO 2009, 593), which entered into force on 01.07.2010.

<sup>31</sup> Inserted by decision of the Administrative Council CA/D 19/09 of 28.10.2009 (OJ EPO 2009, 587), which entered into force on 01.04.2010.

**3a. Joint designation fee**

for the Swiss Confederation and the Principality of Liechtenstein **110**

**7.<sup>32</sup> 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<sup>33</sup> **885**

(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]<sup>34</sup> **990**

- where the fee for grant is paid on or after [date to be set by the President of the Office]<sup>35</sup> **1 095**

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**

for the sixteenth and each subsequent claim (Rule 45, paragraph 1, Rule 71, paragraph 4, Rule 162, paragraph 1) **250**

(3)<sup>36</sup> 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.

<sup>32</sup> Amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fees (OJ EPO 2019, A6).

<sup>33</sup> Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

<sup>34</sup> This fee level applies for the fee for grant until the date to be set by the President of the Office from which the fee level under (ii) second indent will become applicable.

<sup>35</sup> Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

<sup>36</sup> Inserted by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

(4)<sup>37</sup> 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<sup>38</sup>**

#### **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<sup>39</sup>**

#### **Payment of fees**

(1)<sup>40</sup> The fees due to the Office shall be paid in euro by payment or transfer to a bank account held by the Office.

<sup>37</sup> Inserted by decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3), which entered into force on 01.04.2019. See notice from the EPO of 24.01.2019 concerning the amendment of the Rules relating to Fees as of 01.04.2019 (OJ EPO 2019, A6).

<sup>38</sup> See decision of the President of the EPO of 14.01.2022 revising the Office's fees and expenses (OJ EPO 2022, A7) and decision of the President of the EPO of 02.02.2012 revising the basic fee for the European qualifying examination (OJ EPO 2012, 210).

<sup>39</sup> Amended by decision of the Administrative Council CA/D 17/07 of 25.10.2007 (OJ EPO 2007, 533), in particular Article 1, point 2 thereof, which entered into force on 01.04.2008.

<sup>40</sup> See notice from the EPO of 19.07.2022 concerning Central Fee Payment (OJ EPO 2022, A81).

See notice from the EPO of 20.08.2019 concerning the fee refund procedures (OJ EPO 2019, A82).

(2)<sup>41</sup> 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<sup>42</sup>**

### **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.

<sup>41</sup> See arrangements for deposit accounts valid as of 10.09.2022 (supplementary publication 3, OJ EPO 2022).

See decision of the President of the EPO of 22.08.2017 (OJ EPO 2017, A72) and notice from the EPO of 16.02.2022 (OJ EPO 2022, A18) concerning the payment of fees by credit card.

<sup>42</sup> Amended by decision of the Administrative Council CA/D 12/19 of 12.12.2019 (OJ EPO 2020, A3), in particular Article 2 thereof, which entered into force on 01.04.2020.

**Article 8<sup>43</sup>****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)<sup>44</sup> 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)<sup>45</sup> 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.

<sup>43</sup> Amended by decision of the Administrative Council CA/D 5/08 of 09.12.2008 (OJ EPO 2009, 7), which entered into force on 01.04.2009.

<sup>44</sup> See notice from the EPO of 29.01.2013 concerning adjustments to the system for search and examination fee refunds (Articles 9(1) and 11(b) of the Rules relating to Fees) following decisions J 25/10 and J 9/10 of the Legal Board of Appeal (OJ EPO 2013, 153).

<sup>45</sup> See decision of the President of the EPO of 14.01.2022 on the refund of search fees (OJ EPO 2022, A8) and notice from the EPO of 09.01.2009 concerning the criteria for the refund of search fees (OJ EPO 2009, 99), as well as decision of the President of the EPO of 14.01.2022 concerning the refund of the international search fee by the EPO acting as International Searching Authority (OJ EPO 2022, A9).

**Article 11<sup>46, 47</sup>****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<sup>48</sup>****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<sup>49</sup>****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

<sup>46</sup> Amended by decision of the Administrative Council CA/D 4/16 of 29.06.2016 (OJ EPO 2016, A48), which entered into force on 01.07.2016.

<sup>47</sup> See notice from the EPO of 30.06.2016 concerning refunds of the examination fee (Article 11 of the Rules relating to Fees) (OJ EPO 2016, A49).

<sup>48</sup> See decision of the President of the EPO of 14.02.2020 implementing Article 12 RFees (OJ EPO 2020, A17).

<sup>49</sup> Amended by decision of the Administrative Council CA/D 17/07 of 25.10.2007 (OJ EPO 2007, 533), in particular Article 1, point 4 thereof, which entered into force on 13.12.2007.

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)<sup>50</sup> The reduction laid down in Rule 6, paragraph 3, of the Convention shall be 30% of the filing fee or examination fee.

(2)<sup>51</sup> 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.<sup>52</sup>

DONE at Munich, 20 October 1977

For the Administrative Council

The Chairman

<sup>50</sup> Amended by decision of the Administrative Council CA/D 19/13 of 13.12.2013 (OJ EPO 2014, A4), which entered into force on 01.04.2014.

See notice from the EPO of 10.01.2014 concerning amended Rule 6 EPC and Article 14(1) RFees (OJ EPO 2014, A23).

<sup>51</sup> Last amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

<sup>52</sup> Amended by decision of the Administrative Council of 7 December 2006 (CA/D 11/06).