

FEE CHANGES AND NEW FEE-REDUCTIONS FOR MICRO-ENTITIES SINCE 1 APRIL 2024

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WHY A NEW FEE POLICY?

- Strengthen **support for micro-entities**
- **Simplify** the fee structure by abolishing rarely used fees
- Incentivise applicants to use the **digital environment**
- React to evolution from a backlog situation to an **Office operating at "cruising speed"**
- Respond to a challenging **inflationary environment (16.6% in two years)** and **lower IRF income**

NEW FEE POLICY: 3 PILLARS

Simplification



Removal of rarely
used fees
Digitalisation

Financial sustainability



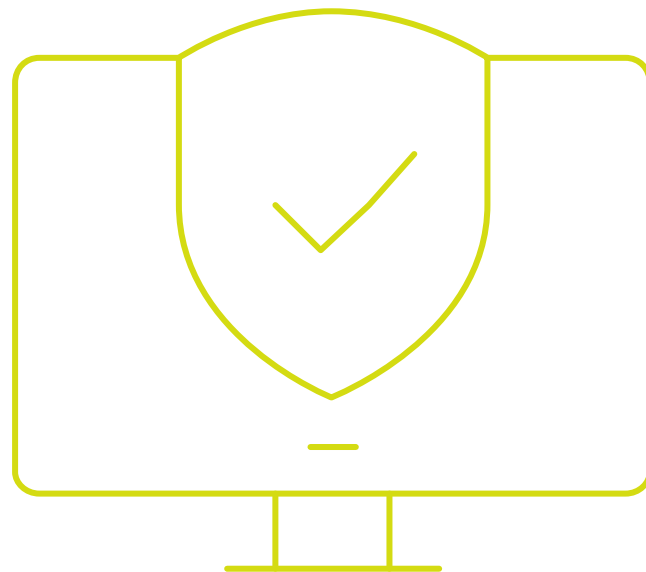
Adjustment of
IRF structure
Procedural fees

Support



Fee reduction for
micro-entities

REMOVE RARELY USED FEES AND DIGITALISATION





SIMPLIFICATION OF FEE SCHEDULE

WHY: simplify the fee structure

Removal of **rarely used** procedural or administrative fees:

- Fee for conservation of evidence (R. 123(3) EPC)
- Fee for publishing a new specification (R. 82(2) and 95(3) EPC)
- Surcharge for late performance of the acts required to maintain the European patent in amended form (R. 82(3) and 95(3) EPC)
- Administrative fee for the communication of information in the files
- Fee for additional copies of the documents cited in the ESR

Conversion fee set to **zero** in view of Art. 135(3) EPC

Abolishment of unused variations of fees

DIGITALISATION INCENTIVES

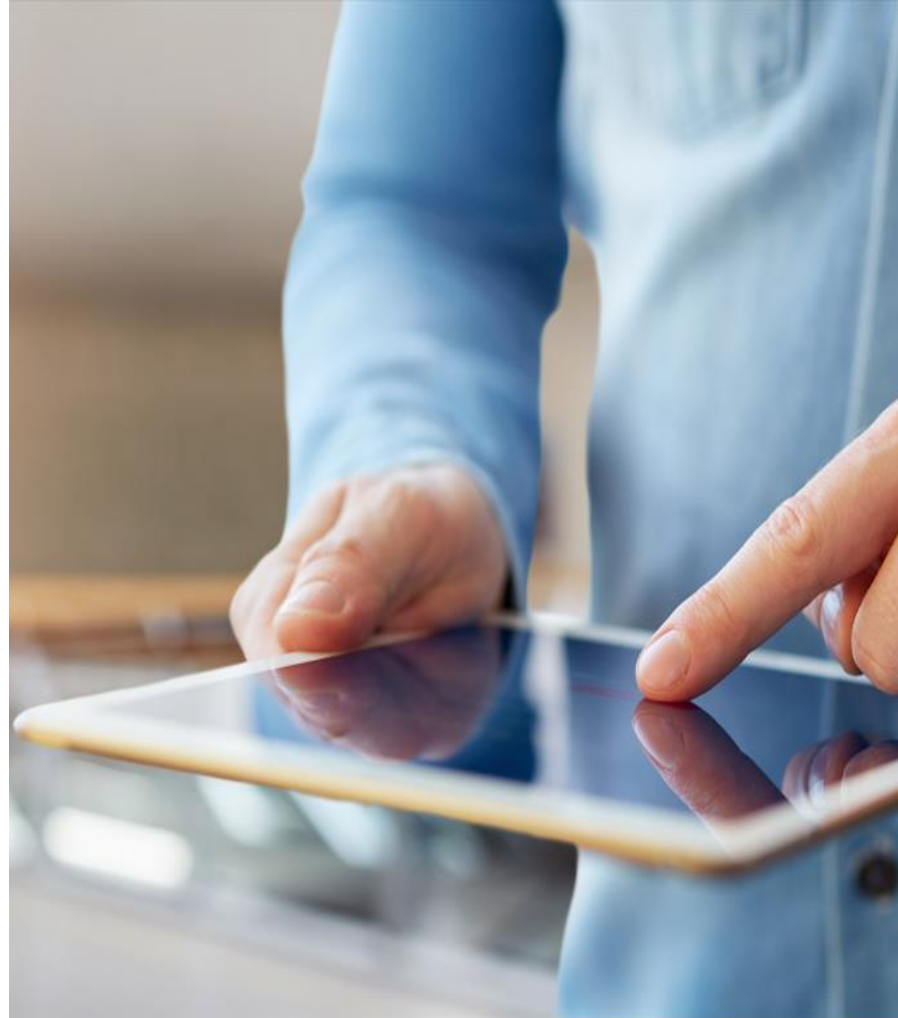


WHY: Incentivise applicants to use digital tools

Set following fees to zero for users of **MyEPO**

Portfolio:

- Fee for registration of transfer
- Fee for registration or cancellation of licences and other rights
- Fee for a certified copy (application, priority documents, patent certificate, other documents)



ADJUSTMENT OF IRF STRUCTURE AND PROCEDURAL FEES



FINANCIAL SUSTAINABILITY – ADJUSTMENT OF INTERNAL RENEWAL FEES

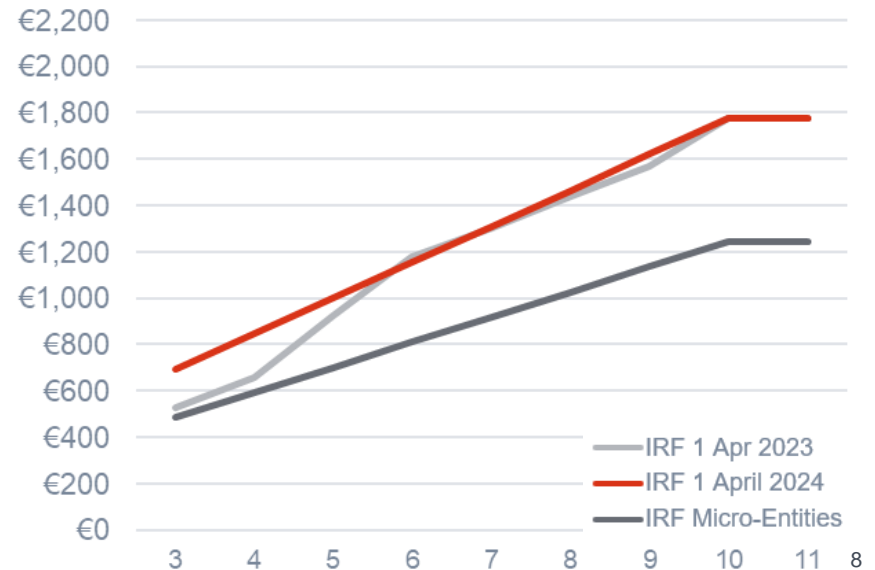


WHY: Reflect the evolution from a backlog situation to a "cruising speed" Office

IRF Adjustment

- Means fees follow a consistent **linear progression** until **year 10** (+ 155 EUR for each year)
- Reflects practice in national offices and past EPO practice
- Results in higher IRF in years 3 to 5
- Entails, as of **year 6**, **only minor** adjustments compared to today
- Leads to fees for micro-entities below today's level – the first ever fee discount on IRFs for micro-entities

IRF per ordinal year





FINANCIAL SUSTAINABILITY – PROCEDURAL FEES

WHY: User-friendly approach compared to previous **full inflation** compensation

Increase certain **procedural and administrative fees by 4%**

... together with previous 5% adjustment **far below the actual inflation rate (16.6%)**

Exceptions from increase:

- Filing fee – **full cost coverage**
- Opposition fee and appeal fee – to maintain **access to justice**

NEW FEE REDUCTIONS FOR MICRO-ENTITIES





NEW FEE REDUCTIONS FOR MICRO-ENTITIES

BACKGROUND: A number of measures in place for small/ medium entities

- **2012:** Support scheme in the context of the Working Agreement on Search
- **2014:** 30% language-related reduction of filing and examination fees (ex-Rule 6 EPC)
- **2018:** Freeze of the appeal fee for small/medium entities
- **June 2023:** Lump-sum payment (500 EUR) to Unitary Patent holders for translation costs



NEW FEE REDUCTIONS FOR MICRO-ENTITIES

WHO is entitled?

- (see notice OJ EPO 2024, A8) Eligibility can apply to...
 - **Microenterprises:** <10 employees, <EUR 2m balance sheet, not subsidiary of large enterprise (for definition see annex to EU Commission recommendation 2003/361/EC)
 - **Natural persons**
 - **Universities**
 - **Public research organisations**
 - **Non-profit organisations**
- ... who fulfil the "**cap**" condition (see R. 7a(4) EPC), i.e. who have
 - Filed **less than 5** European patent applications
 - In the **5 years** preceding the **date of filing** (EP application) / **date of entry into the European phase** (Euro-PCT application).



MICRO-ENTITY SUPPORT

WHAT KIND OF REDUCTIONS are available?

- Reduction of 30% on
 - Filing fee
 - Search fee
 - Examination fee
 - Designation fee
 - Grant fee
 - (Internal) renewal fee
- This reduction **can be combined** with existing support measures for small/medium entities (e.g. language-related 30 % discount for small entities)



MICRO-ENTITY SUPPORT

HOW to claim eligibility:

- The applicant **must declare** (using Forms 1001, 1200, 1011):
 - That they are a microenterprise, natural person, non-profit organisation, university or public research organisation
 - At the latest **when the first reduced payment is made**
- **Self-declaration system** as under ex-R 6 EPC remains in place
- The five-application **cap** is not part of the self-declaration and is **checked systematically** by the EP
- The 30% fee reduction applies to fees **paid on or after** 1 April 2024, i.e. **it includes pending applications**



MICRO-ENTITY SUPPORT

WHAT are the consequences for filing an incorrect or erroneous declaration?

- Tried and tested self-declaration system already in place for former Rule 6 (3),(4) EPC
- In case of **reasonable doubt** as to the veracity of declarations or of the status of an applicant, the EPO may require evidence
- The unjustifiably reduced fee will be deemed not to have been paid and the application will be **deemed withdrawn** – similar to existing practice adopted by the EPO under ex-Rule 6 EPC
- Same consequence if the **applicant fails to inform the EPO of a change of status** affecting their eligibility for fee reductions when a fee is paid
- Possibility to request **further processing**

USEFUL RESOURCES ON MICRO-ENTITY REDUCTIONS



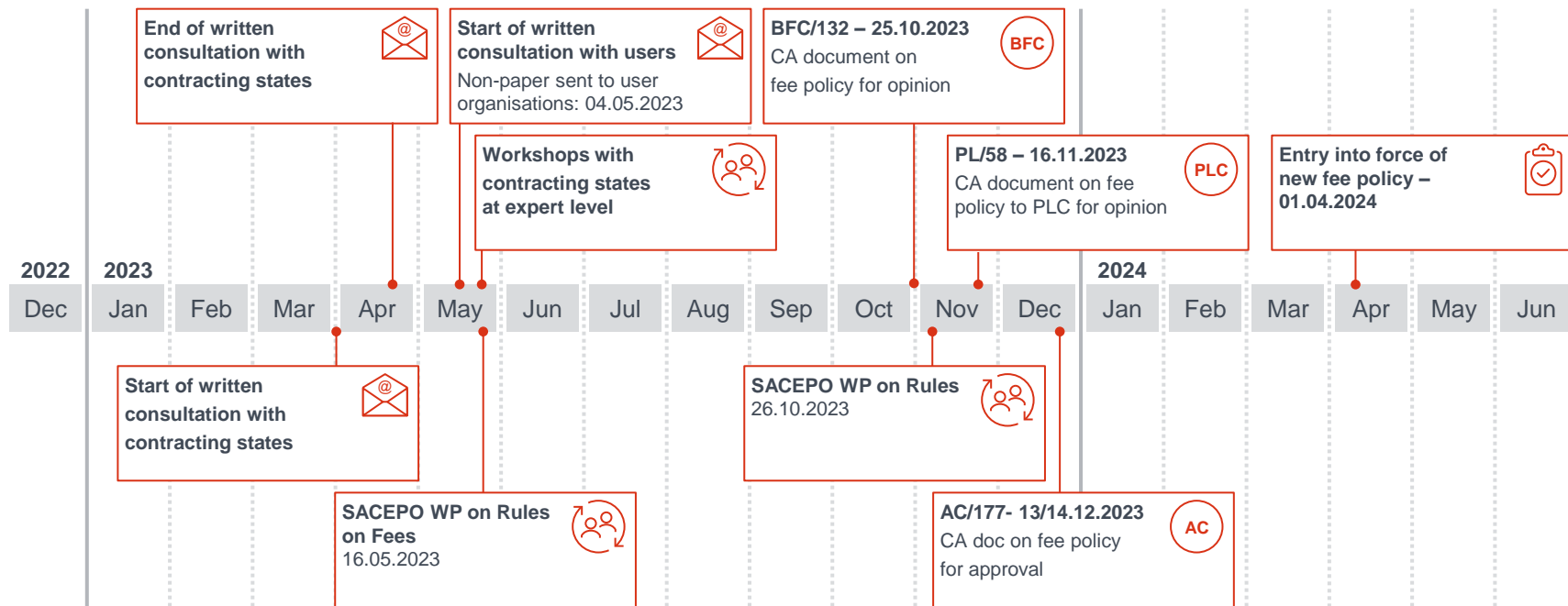
- **Notice** from the EPO dated 25 January 2024 concerning fee-related support measures for small entities ([OJ EPO 2024, A8](#))
- [FAQ - Fee reductions for small and micro-entities](#) (epo.org)
- Updated Forms 1001, 1200 and 1038/1011
- [Free recording](#) of the Guidelines2Day "Changes related to fees" online seminar on 20 March 2024 (European Patent Academy e-learning centre)
- The epo.org **New to patents** section ([How to apply for a patent](#) => **Fee reductions for SMEs, microenterprises and other applicants**)

UPTAKE OF MICRO- ENTITY REDUCTIONS

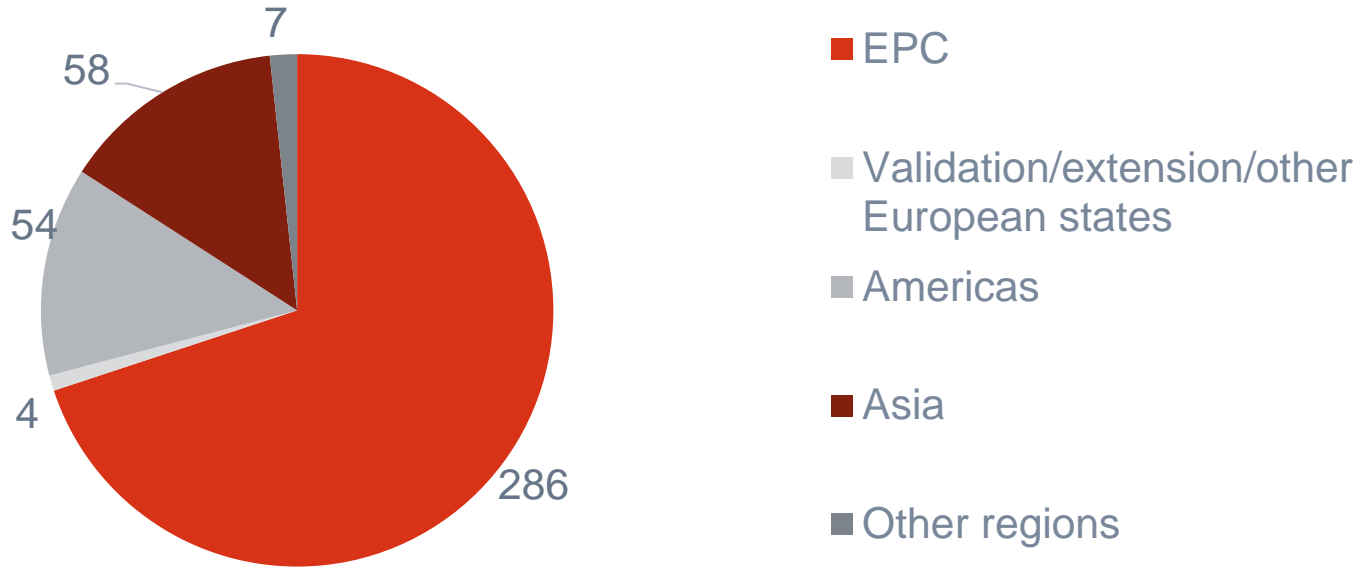
The First Month



USER CONSULTATIONS SHAPING THE NEW SUPPORT SCHEME



GEOGRAPHICAL DISTRIBUTION OF APPLICANTS – REQUESTS FOR MICRO-ENTITY REDUCTIONS

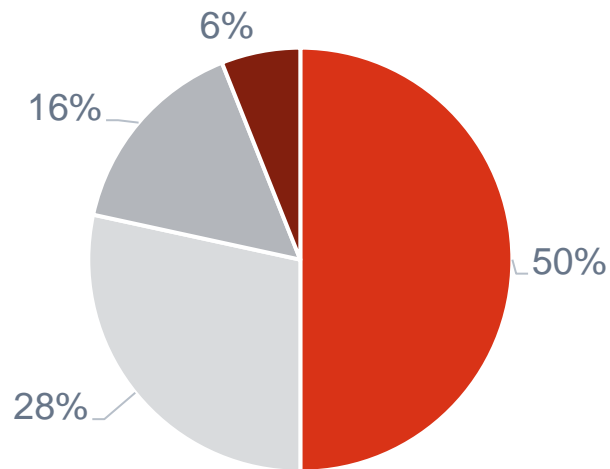


GEOGRAPHICAL DISTRIBUTION ACROSS EPC COUNTRIES – REQUESTS FOR MICRO-ENTITY REDUCTIONS



UPTAKE OF MICRO-ENTITY REDUCTIONS – THE FIRST MONTH

- Fee reductions have been requested for **514** applications
- Expectations met for new and future applications (future entry into European phase)
- Still room for increase for pending applications



Request related to:

- Pending application
- New application
- Future application
- No data yet

**THANK YOU FOR
YOUR ATTENTION**

