

Applying for a European Patent

April 2018

Purpose

A European patent application can, by means of a single granting procedure, impart a bundle of national protective rights within the Contracting States and Extension States covered by the European Patent Convention. The acquisition of such national rights only requires certain formalities and the provision of a translation. This means that the activity of foreign attorneys is confined to the latter, *ie* no national granting procedures are required. As a rule, such European patent application occurs as **subsequent application, claiming priority of a former national patent application.**

Contracting States of the EPC

Albania, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Former Yugoslav Republic of Macedonia, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom.

Extension States:

Bosnia and Herzegovina, Montenegro.

Costs and Time Line for Obtaining a European Patent

| Years | Time Months | Information on actions and costs (official fees, net attorneys fees) |
|-------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <i>All information indicated herein relates to a "normal" application, as are from 80 to 90 % of all applications. Attorney's fees incurred by applications and nationalizations are governed by the effort involved.</i> |
| | | If there is a national prior application for a patent or utility model, the application for a European Patent should be filed not later than 11 months after filing the national application (12 months is the deadline!) claiming the priority of the national application. However, a European Patent can also be applied for directly, if desired, in which case the granting procedure takes less time. For the costs of drafting an application see the information notes entitled "Costs and Time Line for Obtaining a German Patent". |
| | 0 | A European Patent Application, claiming a national priority, is filed together with a Search Request (obligatory). The costs ⁾ , not including the cost of adjusting the application , are at least 3.430 € (for an application with not more than 15 patent claims and not more than 35 pages. Additional claims till the 50 th cost 265 € each, from the 51 st 615,- € each, additional pages cost 15 € each). The costs ⁾ of adjusting an application (claims and description) vary depending on the first office action of the national proceeding and are from 0 to about 2.000 €. |
| | 4 to 18 (7 on average) | Receipt of the Search Report . This, too, is published (usually together with the specification). It will be forwarded to you with an opinion letter. The resultant costs depend on the work involved and are from about 100 to 1.000 €. |
| | 6 to 18 | after priority date the European specification is published and provides provisional protection |
| | 10 to 24 | Request for Examination and payment of the designation fee must be made not later than 6 months following publication of the European Search Report. Cost factor ⁾ 3.820,- € |
| | on average 29 | Receipt of the first Examiner's Action. If necessary, this will be answered with a Response followed, possibly, by another Official Action or a Personal Hearing. Then fit-for-grant documents will be finally drafted. The resultant costs ⁾ depend on the work involved and are from 0 to about 5,000 €. |

⁾ including net attorneys fees

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|--------------------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|------------------|--------------------|------------------|----------------------|------------------|----------------------|------------------|----------------------|------------------|----------------------|------------------|----------------------|--------------------------------------------|----------------------|
| | | <i>All information indicated herein relates to a "normal" application, as are from 80 to 90 % of all applications. The respective costs incurred by applications and nationalizations are governed by the effort involved</i> | | | | | | | | | | | | | | | | |
| 2/3 | | <p>Annuities are due from the end of the second year after filing the application until it is converted to national patents. Costs:</p> <table> <tr> <td>for the 3rd year</td> <td>645 €⁾</td> </tr> <tr> <td>for the 4th year</td> <td>785 €⁾</td> </tr> <tr> <td>for the 5th year</td> <td>1.045 €⁾</td> </tr> <tr> <td>for the 6th year</td> <td>1.300 €⁾</td> </tr> <tr> <td>for the 7th year</td> <td>1.440 €⁾</td> </tr> <tr> <td>for the 8th year</td> <td>1.580 €⁾</td> </tr> <tr> <td>for the 9th year</td> <td>1.720 €⁾</td> </tr> <tr> <td>for the 10th year and each subsequent year</td> <td>1.925 €⁾</td> </tr> </table> | for the 3rd year | 645 € ⁾ | for the 4th year | 785 € ⁾ | for the 5th year | 1.045 € ⁾ | for the 6th year | 1.300 € ⁾ | for the 7th year | 1.440 € ⁾ | for the 8th year | 1.580 € ⁾ | for the 9th year | 1.720 € ⁾ | for the 10th year and each subsequent year | 1.925 € ⁾ |
| for the 3rd year | 645 € ⁾ | | | | | | | | | | | | | | | | | |
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| for the 9th year | 1.720 € ⁾ | | | | | | | | | | | | | | | | | |
| for the 10th year and each subsequent year | 1.925 € ⁾ | | | | | | | | | | | | | | | | | |
| 3 to 4 | 46 on average | <p>Grant of the European patent. Cost factor⁾: from about 1,725 € at minimum (depending on the translation efforts) for official fees, attorney's fees and fees for translation of the patent claims into the other two official languages.</p> <p>Validation for national patents will be effected within 3 months after grant. Due to the necessity to commission counterpart attorneys and translations, the decision concerning nationalization should be met immediately after the grant. Cost factor⁾ per country: from approximately 1,000 € to 2,500 € (attorney's fees, official fees and translation expenses). The variation in costs being substantially governed by the translation fees.</p> <p><i>As from May, 2008, relieved translation requirements are in force in some countries. For Switzerland, France, and the UK the translation requirements have been dispensed completely and these countries thus involve no translation fees whatsoever.</i></p> <p>Annuities are then due for payment to the National Patent Offices. The costs vary from country to country. They are a combination of the official fees and the fees charged by the attorney and the counterpart attorney abroad.</p> | | | | | | | | | | | | | | | | |
| | +9 | <p>During the 9 months following the grant, opposition against the grant can be filed by all parties. An opposition suit incurs additional costs, but each party must pay their own expenses.</p> | | | | | | | | | | | | | | | | |

⁾ including net attorneys fees