

Applying for a German Patent - Costs¹ and Time Line

April 2017

Time Years	Months	
		<i>All information on costs and actions stated herein relates to "normal" applications, as are 80 to 90 % of all cases. The quoted costs are governed by the effort involved and include the official fees.</i>
	0	Before applying for a patent, it is prudent to make a search for the prior art, allowing the results to be checked by a patent attorney. This will cost from about 1,000 € to 2,000 € depending on complexity.
	0	Power of Attorney, drafting and filing of the application at the German Patent and Trademark Office. These will cost ¹ approximately 3,000 – 8,000 € (depending on complexity).
approx.	10	Granting procedure Examination is carried out on request (cost factor ¹ : 500 €).
	↓	The German Patent and Trademark Office will issue a first Examiner's Action about 10 months following the Request for Examination. The costs involved in making the Response to the Examiner's Action will be from about 250 to 1,500 € . The prior art stated in the first Examiner's Action will give an indication of the chances of acquiring a patent.
		The Examiner's Action does not itself provide any orientation in this respect, as it is generally formulated in a rather negative fashion. The found prior art will be useful in estimating whether foreign applications might be successful in obtaining a grant.
	10-11	Foreign patents should now be applied for, particularly where translations are necessary, since the counterpart foreign attorney will also have to file the foreign application before the 12 months' deadline. Cost factor¹ per country: 1,000 – 10,000 €
1	12	Deadline for foreign applications <i>Applications at the European Patent Office, national and International Applications (PCT) can be filed up to just before the 12 months' deadline, but not afterwards. (See the information notes entitled "Applying for a European Patent".</i>
		If the Examiner is still not inclined to grant a patent following the Response to the first Examiner's Action , it may be expedient to apply for a Personal Hearing at the German Patent and Trademark Office. This is particularly advisable when there are items difficult to discuss in written communication. The Examiner will generally not stand by his initially negative attitude. Cost factor: 2,000 – 2,500 € . If, however, the Examiner is considering a grant, another written Response will be the better choice.
	18	Publication of the patent application in the form of a "laid-open" specification. If a patent is subsequently granted, patent infringements occurring on or after this date can be prosecuted. In most cases a final Response will be necessary, stipulating amendments to the filed documents. Cost factor ¹ : approximately 250 – 1,500 € . The patent will usually be granted within a period of from 1,5 to 3,5 years , although the Examiners are often willing to expedite the process. During the 9 months² 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.
2		From now on renewal fees become due (see next page)
20		End of lifetime of the German patent

¹ included attorney's fees are net amounts

² since 1 April 2014

Renewal Fees

	Year	Attorney's Fee ¹ (€)		Official Fee (€)
		1)	2)	
1) Fee ¹ for the continuation of power of attorney, maintenance of files, brief communications, and forwarding of incoming letters	3	50	10	70
	4	50	10	70
	5	50	10	90
	6	50	20	130
	7	50	30	180
2) Fee ¹ for monitoring the renewal fees, obtaining information from client, and remitting a renewal fee	8	50	40	240
	9	50	50	290
	10	50	70	350
	11	50	90	470
	12	50	110	620
	13	50	130	760
	14	50	150	910
	15	50	170	1,060
	16	50	190	1,230
	17	50	210	1,410
	18	50	230	1,590
	19	50	250	1,760
	20	50	270	1,940

If a Disposition Statement for Licensing is lodged with the German Patent and Trademark Office, the **official fees will be reduced by 50 %**.

A Disposition Statement for Licensing implies that the patented object is made free for use by any party wishing to produce it and willing to pay an appropriate fee.

¹ Attorney's fees are net amounts