

Instructions for paying renewal fees for European patent applications and patents

1. Renewal fees to be paid to the EPO

Renewal fees (under Article 2, n° 4 of the Rules relating to Fees) for the European patent application are payable to the EPO (Article 86, paragraph 1 EPC) for the third year and each subsequent year, calculated from the date of filing of the application. The obligation to pay renewal fees to the EPO ("European" renewal fees) shall terminate with the payment of the renewal fee due in respect of that year in which the mention of the grant of the European patent is published (Article 86, paragraph 4 EPC). If the mention of the grant of the European patent is already published in the second year, calculated from the date of filing, there is no obligation vis-à-vis the European Patent Office to pay the renewal fees.

2. Renewal fees to be paid to the national authorities

"National" renewal fees for the European patent may be levied by the national authorities for those years, which follow the year in which the mention of the grant of the European patent is published (Article 141 EPC). For example if the mention of the grant of the European patent is published in the second year, calculated from the date of filing, the national authorities may levy renewal fees for the third year and each subsequent year. If the mention of the grant is effected in the third year, renewal fees for the fourth and each subsequent year are to be paid to the national authorities.

3. Examples

The following examples are case examples. The examples are based on a European patent application where the date of filing is 2 June 1978. The "patent years" (Article 86, paragraph 1; Article 141, paragraph 1 EPC) start and end at the following dates:

Patent year	Start	End
1st patent year	2.6.1978	2.6.1979
2nd patent year	3.6.1979	2.6.1980
3rd patent year	3.6.1980	2.6.1981
4th patent year	3.6.1981	2.6.1982
20th patent year	3.6.1997	2.6.1998

The varying deadlines in columns 3—5 are related to the actual date of the publication of the mention in the European Patent Bulletin (Article 97, paragraph 4 EPC) in column 2.

1	2	3	4	5
Examples (Date of filing 2.6.78)	Publication of the mention of the grant in the European Patent Bulletin (Art. 97, para. 4)	"European" renewal fees		"National" renewal fees
		Date when the "European" renewal fees are due (R. 37, para. 1)	To be paid with a 10% additional fee up to: (Art. 86, para. 2, Rules relating to Fees Art. 2, No. 5)	(Patent years for which the "national" renewal fees are to be paid)
A	13.02.1980	—	—	from the 3rd patent year (3.6.80—2.6.81)
B	02.06.1980	—	—	from the 3rd patent year (3.6.80—2.6.81)
C	18.06.1980	30.06.1980 (3rd renewal fee)	30.12.1980	from the 4th patent year (3.6.81—2.6.82)
D	02.07.1980	30.06.1980 (3rd renewal fee)	30.12.1980	from the 4th patent year (3.6.81—2.6.82)
E	03.06.1981	30.06.1981 (4th renewal fee)	30.12.1981	from the 5th patent year (3.6.82—2.6.83)