



Legal Update | July 2015

RENEWAL FEES FOR THE UNITARY PATENT HAVE BEEN FINALLY FIXED

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It took some doing: After lengthy discussions, on 24 June 2015 the European Patent Office (EPO) published the level of the renewal fees to be paid for the “Unitary Patent” (better known as “EU Patent”).

The renewal fees for the EU patent are based on the sum of the renewal fees to be paid for a patent application or patent in the four member states of the European Patent Convention with the largest number of filings, i.e. in Germany, France, Great Britain and the Netherlands.

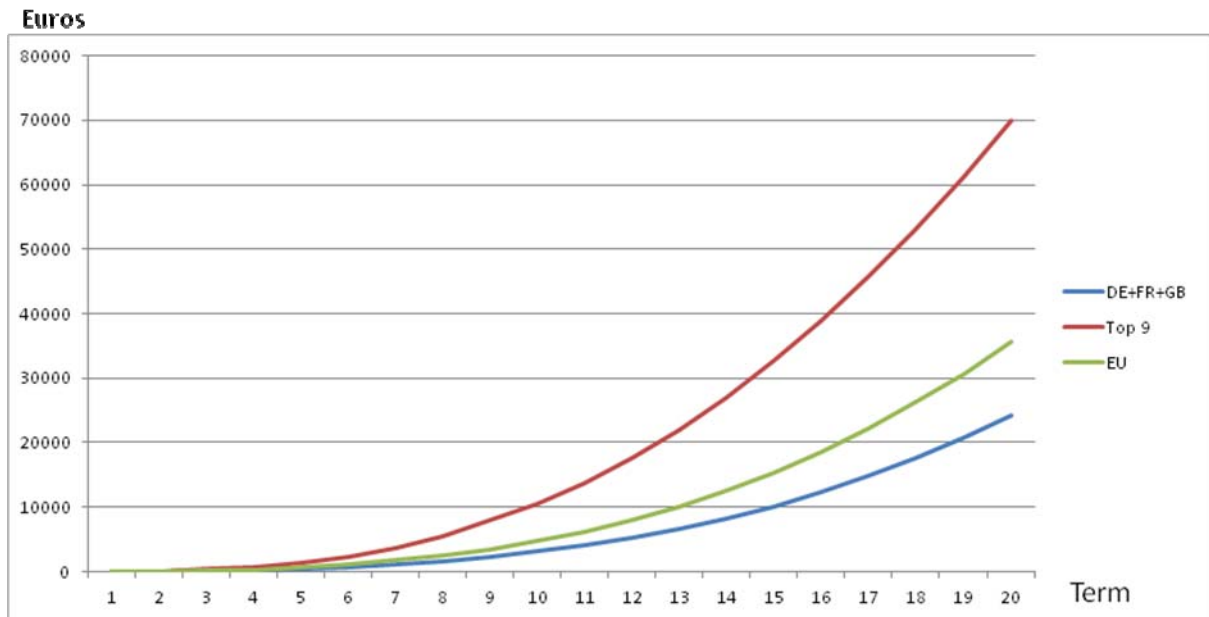
The EPO decided in favor of the most cost-efficient option for these fees from a variety of scenarios that had been discussed in advance. The public pressure exerted on the EPO by many applicants appears to have made an impact.

Whether or not the renewal fees are cost-efficient as viewed in absolute terms depends on the point of view. We have compared different filing strategies with regard to the renewal fees in the chart below.

The blue line represents the cumulative renewal fees for three national patent applications or patents in Germany, France and Great Britain.

The green line shows the cumulative renewal fees for the EU patent.

The red line simulates the cumulative renewal fees for a patent family with a total of nine national parts, namely AT, CH, ES, IT, NL and SE in addition to DE, FR and GB.



The EU patent leads to noticeable savings for applicants who up to now have validated their EP patents in many countries.

For those applicants, on the other hand, who have validated their EP patents in few countries, the EU patent will not result in any savings or may even involve higher costs. In addition, it should be noted that the renewal fees for an EU patent can not be reduced by selectively abandoning the patent in individual countries and maintaining it only in a few countries up to the end of the maximum term.

Depending on the countries in which patent protection is required for an invention, it should be carefully considered in the future if an EU patent is a useful alternative to the EP patent, which continues to be available, or if a bundle of national patents may possibly be a more powerful alternative to filing an application in the EPO.

QUESTIONS?

If you have any questions regarding this topic, please feel free to get in touch with your personal contact or Jochen Sties at j.sties@prinz.eu.

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