

New patent fee regime at the UKIPO

As of 6th April 2018, a new patent fee regime will be introduced at the UK Intellectual Property Office (UKIPO).



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Summary

There are small increases to the basic application, search and examination fees, and Year 12-20 renewal fees. For the first time, the UKIPO will be charging excess claims fees and excess page fees. Additionally, a new grant fee is to be introduced. None of the new fees is large, but the new fee regime could trip-up unwary applicants, particularly those who are unrepresented.

The new search fee incorporating excess claims fees

The basic search fee will increase slightly, and now for the first time will additionally incorporate excess claims fees in order to reflect the extra work needed to search applications with large numbers of claims. The search fee will increase by £20 for each claim in number over 25, calculated on the basis of the number of claims present when the search request is filed. Failure to pay all of the claims fees will effectively result in the application being deemed withdrawn.

Applicants should not rely on being able to reduce the number of claims by amendment in order to reduce the search fee because amendments prior to search are allowable only at the discretion of the UKIPO. Applicants should therefore file applications with no more than 25 claims or be prepared to pay the extra search fee.

The new examination fee incorporating excess page fees

The basic examination fee will increase slightly, and now for the first time will additionally incorporate an excess pages fee. The examination fee will increase by £10 for each page of description over 35. The claims, drawings, abstract and any sequence listing are not included in this page count. Failure to pay the whole of the examination fee will effectively result in the application being deemed withdrawn.

The grant fee

When the application is found to be allowable, the UKIPO will determine whether any grant fee is due. The grant fee will be required if (i) there were 25 or fewer claims when search was requested and there are now more than 25 claims, or (ii) there were 35 or fewer pages of description when examination was requested and there are now more than 35 pages; or (iii) the number of excess claims and/or excess pages has increased above those already paid for.

Failure to pay the grant fee will result in the application not proceeding to grant.

UK ex-PCT national phase applications

Any fees due when filing a UK national phase application will be based on the application documents submitted on entry into the UK national phase. You

can, therefore, amend the claims and description to minimise the search and examination fees when entering the UK national phase.

Renewal fees

Year 12-20 renewal fees are increasing by £10. There are transitional provisions in place in relation to the payment of the renewal fees depending on the date that the fees are due.

Partial fee payment

In the event that a fee is partially paid, the UKIPO will inform the applicant accordingly. However, any remainder of the fee must be paid by the normal deadline for paying the fee in order for that deadline to be met.

Practicalities

Your attorneys will ensure that the appropriate fees are paid at the right time to avoid the possible pitfalls mentioned above.

If you have any questions about matters in the Newsletter, please get in touch with your usual Abel & Imray contact, or e-mail to ai@abelimray.com.

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