

Part 2

Note: it was not necessary to indicate the legal basis to get full marks.

Question 1

1. The fees due on filing are the filing fee (including page fees), the search fee and the transmittal fee.
2. These fees are to be paid within one month of the date of receipt of the international application, i.e. 27 September 2024.
3. The applicant is invited to pay the fees within one month of the date of the invitation. The payment of fees in response to the invitation (under Rule 16*bis* PCT) may be subjected by the receiving Office to the payment of a late payment fee, a fee retained by the receiving Office in question. The late payment fee is 50% of the international filing fee (without page fees).

Question 2

1. Necessary steps:
 - Request for correction of the name of the applicant.
 - Request to transfer the application, subject to the payment of an administrative fee (0 euro if requested using MyEPO Portfolio).
 - Declaration regarding requirements for a reduction of fees.
 - Payment of reduced sixth renewal fee.
 - Payment of reduced fee for grant and printing; filing of translations of the claims in German and French.
 - Once the decision for grant is issued, filing of request for unitary effect (in English) with translation into any other EU official language.
 - Not entitled to compensation for translation costs because Tomato Matters is not an SME.
2. The action must be filed at the UPC within three weeks of the refusal (Rule 97.1 RoP UPC). The two-month time limit under Rule 88.1 RoP UPC is not applicable, see Rule 85.2 RoP UPC.

Question 3

1. No translation is necessary for UP. For Spain, translation of the amended description and the amended claims. For Croatia, translation into Croatian of the claims as amended.

2. Fee for publication (or special fee) in ES, fee for publication in HR.
Renewal fee for the eighth year, reduced by 15% in recognition of statement concerning licences of right for UP.

Question 4

1. EP1 was filed within 12 months of CN1 (31 August 2024, extended to 2 September 2024), so priority can be added. The declaration of priority can be made up to 16 months from earliest priority date: 31 December 2024, extended to 2 January 2025.

An applicant wishing to claim priority must file a declaration of priority indicating:

- i. the date of the previous application
 - ii. the state or WTO member in or for which it was filed
 - iii. the application number
2. The applicant may file of their own volition the correct description within two months of filing (Rule 56a EPC): 2 November 2024, extended to 4 November 2024. Since priority was not claimed on filing, Rule 56a(4) EPC does not apply. The application is re-dated.
 3. As the new filing date falls outside the 12-month priority period, a request for re-establishment in respect of the priority period should also be filed, together with reasons. And the fee should be paid.

Question 5

Fees to be paid:

- Filing fee, online filing + ten page fees: 30% micro-entity reduction
- Fees for five claims (no reduction)
- Examination fee with the following sequentially combined reductions:
 - 30% micro-entity reduction
 - 30% reduction if the request for examination is filed in Dutch
 - 75% reduction because the EPO acted as IPEA
- Designation fee: 30% micro-entity reduction
- Renewal fee for the third year: 30% micro-entity reduction

Question 6

1. Nothing.

2. Request a time extension by 21 December 2024 + six months = 21 June 2024.
Provide reasons for request.

3. File response / perform missing act and pay the flat fee for further processing by 14 October 2024 (12 August + two months = 12 October 2024, extended to 14 October 2024).