

BR/GT I/88 e/70

Travaux Préparatoires EPC 1973

Comment:

The collection represents purely an internal research tool for the purpose of Directorate Patent Law of the European Patent Office. No guarantee can be given for its completeness or correctness.

The documents produced before 1969 cannot be provided in English as this was not an official language in the period before that date. These documents therefore are provided in French and German.

- Secretariat -

WORKING DOCUMENT

SUB-COMMITTEE ON "RULES RELATING TO FEES"

First Preliminary Draft Rules relating to Fees
pursuant to the Convention establishing a European System
for the Grant of Patents

Preamble

Articles 1, 2, 3, 4, 5, 6 and 7

(Text drawn up by the Drafting Committee)

PREAMBLE

The Administrative Council of the European Patent Office, having regard to Article ... of the Convention establishing a European System for the Grant of Patents, hereby prescribes the following Rules relating to Fees:

Note:

The proposed text of the preamble does not prejudice the question, which will be decided by the Inter-Governmental Conference for the setting up of a European System for the Grant of Patents, as to whether the Rules relating to Fees will be adopted and signed at the Diplomatic Conference or whether these Rules will be adopted by the Administrative Council which will be empowered to amend them subsequently. If the former procedure should be adopted, the text of the preamble should be amended accordingly.

Article 1

General

The fees due to be paid to the European Patent Office as provided for in the Convention and in the Implementing Regulations and the fees which the President of the European Patent Office lays down pursuant to Article 3, paragraph 1, shall be levied in accordance with the provisions contained in these Rules.

Article 2

Fees provided for in the Convention and in the
Implementing Regulations

The fees due to be paid to the European Patent Office as provided for in the Convention and in the Implementing Regulations shall be as follows:

Note to 1 and 4:

The Report of Working Party IV (BR/57/70, page 22, sub-paragraph b) mentions the possible alternative of charging the full cost of the search operation with the application fee as a combined charge.

Article 3

Fees and prices laid down by the President of the
European Patent Office

(1) The President of the European Patent Office shall, where appropriate, lay down the amount of the fees for any services rendered by the European Patent Office other than those specified in Article 2, such as supplying attestations, copies, photocopies, films and information.

(2) He shall also lay down the prices of the publications referred to in Articles 60, 85, 98 and 107 of the Convention.

(3) The amount of the fees and prices referred to in paragraphs 1 and 2 shall be published in the Official Journal of the European Patent Office.

Article 4

Due date for fees

(1) Fees in respect of which the due date is not specified in the provisions of the Convention or of the Implementing Regulations shall be due on the date of receipt of the request for the service incurring the fee concerned.

(2) The President of the European Patent Office may decide not to make services within the meaning of paragraph 1 dependent upon the advance payment of the corresponding fee.

Article 5

Payment of fees

(1) The fees due to the European Patent Office may be paid:

- (a) by payment or transfer to a bank account held by the European Patent Office;
- (b) by payment or transfer to a Giro account held by the European Patent Office;
- (c) by money order or postal order;
- (d) by delivery or remittance of cheques which are drawn on a banking establishment in ... (State in which the European Patent Office is located) and which are made payable to the European Patent Office;
- (e) by cash payment.

(2) The President of the European Patent Office may allow other methods of paying fees than those set out in paragraph 1, in particular by means of fees vouchers or deposit accounts held with the European Patent Office.

Article 6

Currencies

(1) Payments or transfers to a bank account or a Giro account in accordance with Article 5, paragraph 1(a) and (b) shall be made in the currency of the State in which that account is held.

(2) Payments in accordance with Article 5, paragraph 1(d) shall be made in ... (national currency of the State in which the European Patent Office is located).

(3) Payments in accordance with Article 5, paragraph 1(c) and (e), shall be made in the currency of the State in which the European Patent Office is located, or, where they are made to an information and liaison branch set up under Article 33, paragraph 2, of the Convention, which is empowered to receive payments, in the currency of the State in which such branch is located.

(4) If payments to the European Patent Office can be made in currencies other than ... (currency of the State in which the European Patent Office is located), the President of the European Patent Office shall lay down the equivalents in such other currencies of the fees payable pursuant to these Rules in ... (currency of the State in which the European Patent Office is located). Conversion shall be made in accordance with the rules of the European Monetary Agreement of 5 August 1955 for the States which are parties to this Agreement and in accordance with the Articles of Agreement of the International Monetary Fund signed on 27 December 1945⁷ for those other States which are parties to this Agreement. The amounts determined in this way shall be published in the Official Journal of the European Patent Office at the beginning of each calendar year and whenever necessary. Revised amounts shall be binding on all payments which are due ten days or more after such publication.

Article 7

Particulars concerning payments

(1) Every payment must indicate the name of the person making the payment and must contain the necessary particulars to enable the European Patent Office to establish immediately the purpose of the payment.

(2) If the purpose of the payment cannot immediately be established, the European Patent Office shall require the person making the payment to notify it in writing of this purpose within such period as it may specify. If he does not comply with this request in due time the payment shall be considered not to have been made.
