

BR/GT IV/44 e/71

Travaux Préparatoires CBE 1973

INTER-GOVERNMENTAL CONFERENCE
OR THE SETTING UP OF A EUROPEAN
SYSTEM FOR THE GRANT OF PATENTS

Brussels, 8 December 1971

BR/GT IV/44/71

- Secretariat -

NOTE

Subject: Observations on points 5 to 7 of the note from the
Chairman of Working Party IV
(BR/GT IV/42/71)

From : Luxembourg delegation

BR/GT IV/44 e/71 ght/gc

Unrevised translation

Views of the Luxembourg delegation
on the note from the Chairman of Working Party IV
dated 16 June 1971 (BR/GT IV/42/71)

e. (5) The estimates of income and expenditure and the level of fees fixed in the model budget for the European Patent Office drawn up by Working Party IV make provision for the reimbursement of

1. the special contributions paid by the Member States
2. the interest outstanding on these payments up to a rate of 4%.

Since an increase in the rate of interest would involve raising the fees from their present level, it will be necessary - in order to be able to make an adequate evaluation of the additional financial burden - to compare the total amount of reimbursements (exceptional financial contributions + interest) and the length of the period over which such reimbursements would be made with the various hypothetical rates of interest (nil, token, average, normal market).

We consider that Working Party IV should evaluate the effect of interest rate variations and determine the relative upward or downward variation in the factors involved (level of fees, length of the starting-up period).

This should not detract attention from consideration of a basic rate of interest (at present 4%).

Re. (6) Although the contributions paid by the States which have been party to the Convention from the outset will be repaid with a greater or lesser proportion of the interest which has accrued, it seems reasonable to ask a new member country for an initial contribution. This could be calculated in accordance with the scale set out in Article 44, paragraph 3, using as a basis a reasonable contribution to be determined by the Administrative Council.

In the opinion of the Luxembourg delegation, any States withdrawing from the European Patent Office should continue to pay a proportion of the renewal fees due in respect of the European patents. This proportion would be calculated on the basis of the general percentage applicable to the member countries. If, however, the percentage were fixed subsequently at a rate higher than that applicable at the time of the notification of denunciation, the State ceasing to be party would apply this last percentage (ceiling percentage). Thus it would, by selecting the time of notification, at the same time enter into an undertaking about the maximum proportion of the national renewal fees it would continue to hand over to the European Patent Office.

Re. (7) No special observations.
