

BR/GT IV/39 e/70

Travaux Préparatoires CBE 1973

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

Luxembourg, 14 October 1970
BR/GT IV/39/70

- Secretariat -

WORKING PARTY IV

(Luxembourg, 13 to 15 October 1970)

FIRST PRELIMINARY DRAFT

CONVENTION

FOR A EUROPEAN SYSTEM FOR

THE GRANT OF PATENTS

Articles 42, 42a, 42b

and 42d (former Article 42e).

(Texts drawn up by the Drafting Committee)

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PART III
THE EUROPEAN PATENT OFFICE
CHAPTER II
FINANCIAL PROVISIONS

Article 42
Cover for expenditure

The expenditure of the European Patent Office shall be covered :

- (i) by the European Patent Office's own resources,
- (ii) by payments by the Contracting States in respect of renewal fees for European patents levied in these States,
- (iii) and, where necessary, by special financial contributions by the Contracting States.

Note on Article 42 :

Roman numerals (i), (ii) and (iii) have been used provisionally for numbering the paragraphs in order to avoid any confusion with the alphabetical designation of Articles 42a, 42b, etc.

article 42a

The European Patent Office's own resources

(1) The European Patent Office's own resources shall be the yield from the fees laid down in this Convention and its Implementing Regulations, and also miscellaneous receipts.

(2) The amounts of the fees and the procedure for levying them shall be prescribed by the Rules relating to fees adopted pursuant to this Convention

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Article 12b

Payments by the Contracting States
in respect of renewal fees for European Patents

(1) The Contracting States shall pay to the European Patent Office in respect of each renewal fee received for a European patent in those States an amount equal to a proportion of that fee, to be fixed by the Administrative Council, provided that, if the said proportion corresponds to an amount which is less than a uniform minimum amount fixed by the Administrative Council, the Contracting State shall pay that minimum to the European Patent Office

(2) The proportion referred to in paragraph 1 of this Article shall not exceed 75% and shall be the same for all Contracting States.

(3) If a group of Contracting States has availed itself of the authorisation given in Article 8 and has fixed a common scale of renewal fees applicable to that group, the proportion referred to in paragraph 1 shall be calculated on the basis of the common scale; the minimum amount referred to in paragraph 1 shall apply to the unitary patent.

Article 42b contd.

(4) Each Contracting State shall communicate to the European Patent Office such information as the Administrative Council considers to be necessary to determine the amount of its payments.

(5) The due dates for these payments shall be determined by the Administrative Council.

(6) If a payment is not remitted fully by the due date the Contracting State shall pay interest from the due date on the amount remaining unpaid. The rate of interest shall be prescribed in the Financial Regulations.