

7.2 Preliminary examination fee

Art. 31(5)

Rule 58

Art. 2(1) RFees

OJ EPO 2018, A4

GL/ISPE 22.44

The preliminary examination fee is collected by the IPEA/EP for its own benefit and its amount is fixed by the EPO. It is to be paid within one month from the date on which the demand (Form PCT/IPEA/401) was submitted or within 22 months from the priority date, whichever time limit expires later. The amount payable is the amount applicable on the date of payment. For any reductions that may apply, see GL/PCT-EPO A-III, 8.4.

If the preliminary examination fee is not fully paid within the prescribed time limit, the IPEA/EP proceeds as described under GL/PCT-EPO A-III, 7.5.

7.2.1 Additional preliminary examination fee

Rule 68.3

The additional preliminary examination fee paid in response to an invitation to pay additional examination fees after a finding of lack of unity (Form PCT/IPEA/405, see GL/PCT-EPO C-V, 4.2) is collected by the IPEA/EP and its amount is fixed by the EPO. It is to be paid within one month from the date of the invitation. The amount payable is the amount applicable on the date of payment. For any reductions that may apply, see GL/PCT-EPO A-III, 8.4.1.

7.3 Protest fee

Rule 68.3(e)

The protest fee is paid for the benefit of the IPEA/EP and its amount is fixed by the EPO. It is payable within one month from the date of the invitation to pay additional examination fees after a finding of lack of unity (Form PCT/IPEA/405, see GL/PCT-EPO C-V, 4.3). The amount payable is the amount applicable on the date of payment.

7.4 Fee for the late furnishing of sequence listings

Rule 13ter.2

OJ EPO 2011, 372

OJ EPO 2019, A14

and A15

The late furnishing fee is paid for the benefit of the IPEA/EP and its amount is fixed by the EPO. It is payable within one month from the date of the invitation to furnish the nucleotide and/or amino acid sequence listing (Form PCT/IPEA/441, see GL/PCT-EPO C-VIII, 2.1). The amount payable is the amount applicable on the date of payment.

7.5 Late payment fee

Rule 58bis.1(a),

58bis.2

OJ EPO 1998, 282

Where the IPEA/EP finds that the amount paid to it is insufficient to cover the handling fee and the international preliminary examination fee or that no fees were paid within the time limit for payment, the IPEA/EP invites the applicant to pay to it the amount required to cover those fees together with a late payment fee, within one month from the date of the invitation (Form PCT/IPEA/440).

The late payment fee is 50% of the amount of the unpaid fees as specified in the invitation or, if the resulting amount is less than the handling fee, an amount equal to the handling fee. The amount of the late payment fee may not, however, exceed double the amount of the handling fee.

If the applicant complies with the invitation within the specified time limit, payment is deemed to have been made in time (Form PCT/IPEA/440).