

# Available Fee Reductions at the EPO

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The European Patent Office (EPO) provides reductions to many of the official fees due during the grant procedure of a European patent application. These reductions can significantly reduce the total costs of bringing a European application to grant.

The fee reductions available to an applicant can be broadly split by the applicant's nationality. Applicants of any nationality may be eligible for micro-entity fee reductions, whereas language-related fee reductions are only available for applicants having their residence or principal place of business in an EPO contracting state.

## All applicants (micro-entity fee reductions)

Applicants that are classed as a micro-entity are entitled to a 30% reduction of the:

- Filing fee
- Search fees
- Examination fee
- Designation fee
- Fee for grant
- Renewal fees for the European patent application

### Eligibility

To be eligible for the above fee reductions, the following criteria must be met on the date of the payment of the fee concerned, and the fee reduction must have been requested:

- 1) The applicant must be a microenterprise, natural person, nonprofit organisation, university or public research organisation.

The EPO considers a microenterprise to be an enterprise which has fewer than 10 full-time employees and an annual turnover and/or annual balance sheet total of up to 2 million euros.

- 2) The applicant must not have met the EPO's filing cap.

The filing cap is five European patent applications in the period of five years before the date of filing of the application concerned. For Euro-PCT (Patent Cooperation Treaty) applications, the date of entry into the European phase is the relevant date for assessment.

## Applicants having their residence or principal place of business in a European Patent Convention (EPC) contracting state (language-related fee reductions)

A 30% reduction in the following fees is available to applicants who meet the eligibility criteria for language-related fee reductions:

- Filing fee
- Examination fee

This 30% reduction may be applied in addition to the 30% reduction available for micro-entities above, resulting in a total reduction of 51% of the filing fee and examination fee.

## Eligibility

To be eligible for language-related fee reductions, the applicant must:

- 1) Be a 'small entity' as defined by the EPO.

The EPO classifies small entities as any of:

- A micro, small or medium-sized enterprise
- A natural person
- A nonprofit organisation, university or public research organisation

Micro, small and medium-sized enterprises (SMEs) are defined on [the European Commission's website](#). At the time of writing, a medium-sized enterprise has a staff headcount of fewer than 250 and either a turnover of up to 50 million euros or a balance sheet total of up to 43 million euros.

The applicant also must meet one of the following conditions:

- 2a) Have their residence or principal place of business within a contracting state to the EPC with an official language other than English, French or German.
- 2b) Be a national of a contracting state to the EPC with an official language other than English, French or German, and be resident abroad.

Finally, the applicant must:

- 3) File the European patent application or the request for examination in the relevant official language of their nation that is not English, French or German.

## How to request a fee reduction

Fee reductions can be requested at the time of filing a direct European patent application, or for PCT applications, on entry to the European phase. Alternatively, fee reductions can be requested for an already pending application at any time, including when the first reduced fee is paid. It is not possible to obtain refunds for any fees paid before the reduction was requested, so it is worth considering whether any reductions are available from the outset.

If an applicant ceases to be eligible for a fee reduction, they must inform the EPO when the next fee after their eligibility changes is paid (at the latest). The penalties for not doing so can be severe.

Please get in touch with one of our European patent attorneys if you need assistance with requesting a fee reduction.

## What happens if I incorrectly pay a reduced fee?

The consequences for incorrectly paying a reduced fee depend on the reason why the payment of the reduced fee was incorrect.

If the reduced fee has been paid despite the applicant not being eligible (other than due to exceeding the filing cap), the payment is treated as an underpayment. Thus, if the full amount of the fee is not paid by the original deadline, the application will be deemed withdrawn. Further processing or re-establishment of rights may be available to remedy this situation, but these can be expensive and should not be relied upon.

If the reduced fee has been paid despite the applicant exceeding the EPO's filing cap, the EPO will invite the

applicant to pay the missing amount within two months.

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## Key Contacts

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