D YOUNG[&]CO PATENT NEWSLETTER^{no.52}

April 2016 In this issue:	
CRISPR/Cas9 Academics fight over patent rights to an important technology	04
Trunki loses Supreme Court appeal PMS International Group Plc v Magmatic	06
Patent renewal fees What is your European patent representative responsible for?	07
EPO patent official fee increases Effective 01 April 2016	08



Editorial

The financial year end is upon us as we go to press, and appropriately various money matters concern us in this edition of our newsletter. Most significant of these is the keenly awaited announcement from the UPC Preparatory Committee on the costs involved in using this exciting new litigation forum. We take a look at the structure of the fees and costs, and consider what they may mean in practice. We also take a look at the issues that underlay the recent UK Supreme Court decision in the Trunki design case (forgive the pun).

And in other news, we are delighted to welcome two new partners to our partnership from April this year: patent specialist Robbie Berryman and trade mark specialist Gemma Kirkland.

Editor: Nicholas Malden

Events

27 April 2016

UPC & UP Webinar Richard Willoughby and Rachel Bateman will discuss the Unified Patent Court and unitary patent at 9am, noon and 5pm (British Summer Time). Register

at www.dyoung.com/event-webupc.

21-25 May 2016

INTA, Orlando US

Jeremy Pennant, Ian Starr, Tamsin Holman, Helen Cawley, Jackie Johnson, Gemma Kirkland and Richard Burton will be attending this year's conference. Do get in touch if you would like to meet with us during the conference.

www.dyoung.com/events

Subscriptions

subscriptions@dyoung.com Sign up for our email newsletters.

Read online and view previous issues: www.dyoung.com/newsletters

Follow us

LinkedIn: dycip.com/dyclinkedin Twitter: @dyoungip

Unified Patent Court

Unified Patent Court Cost considerations

he Preparatory Committee of the Unified Patent Court (UPC) has now agreed the rules on court fees and recoverable costs, which will greatly assist those considering the utility of this new litigation forum. This follows a public consultation and many months of discussion by the Preparatory Committee.

Unified Patent Court fees

UPC fees will be made up of a fixed fee, with an additional value-based fee applicable to higher value infringement claims or counterclaims (those exceeding €500,000). For multi-party or multi-patent actions, only one set of fees should apply. Fixed fees will also apply to interim applications such as interim injunctions and search and seizure orders, as well as for interim appeals. Fees for damages determination and substantive appeals largely follow the same approach as for the main proceedings.

It should be noted that a fixed fee for a revocation action and in particular a capped fee for a counterclaim for revocation is a positive step since it avoids the possibility of a very large fee applicable to what might be a defendant's primary or only defence, invalidity.

Value-based fees

E B

 \searrow

The UPC will have value-based fees, as noted above, since it is intended to become self funding. Accordingly, higher stakes cases are being looked to in order to provide fees for that funding, a principle that is set out in the UPC Agreement. This in turn requires a case to be valued and in order to do so guidance on valuation has been published. The principle is that valuation should be as simple as possible in order to try to avoid a separate mini-trial on value.

The guidance indicates that a case's value should be calculated on a royalty basis, in line with the existing approaches for many member states when assessing damages. This will require a consideration of the defendant's turnover in relation to an alleged infringing product, including where necessary up to the expiry of the patent (on a hypothetical basis since a successful claimant will expect an injunction to be granted). The notional royalty rate should be either any existing rate used by the parties or the general rate accepted by the industry in question. The value-based fee will be payable at the filing of the claim (or counterclaim) in addition to the relevant fixed fee, based on the claimant's valuation. There is the potential for the other side to contest that valuation (and therefore the fee) and the UPC will then decide on the appropriate figure.

As value-based fees are also payable for the damages part of a case, as well as a substantive appeal, it may be necessary to value a case more than once during the course of the proceedings, ie, at the start, at a counterclaim, at the beginning of any damages determination and on the filing of a substantive appeal. It may also be necessary to value a case for the purposes of representation costs

Summary of fee structure for substantive claims and appeals

Type of action	Court fee
Infringement	€11,000 + value-based fee
Revocation	€20,000
Counterclaim for revocation	Same as fee for infringement action but capped at €20,000
Counterclaim for infringement	€11,000 + value-based fee
Action for declaration of non-infringement	€11,000 + value-based fee
Application to determine damages	€11,000 + value-based fee
Appeal pursuant to an infringement	€11,000 + value-based fee

Value-based fee scale

Value of action up to and including	Additional value-based fee
€500,000	€0
€750,000	€2,500
€1,000,000	€4,000
€1,500,000	€8,000
€2,000,000	€13,000
€3,000,000	€20,000
€4,000,000	€26,000
€5,000,000	€32,000
€6,000,000	€39,000
€7,000,000	€46,000
€8,000,000	€52,000
€9,000,000	€58,000
€10,000,000	€65,000
€15,000,000	€75,000
€20,000,000	€100,000
€25,000,000	€125,000
€30,000,000	€150,000
€50,000,000	€250,000
More than €50,000,000	€325,000

recovery. These valuations may be the same (that is certainly intended to be the case for an appeal) although they may be different, where for example more is learned about the value of a case after evidence has been filed. A party is not necessarily bound by an original valuation.

Discounts and reimbursements

It is a principle of the UPC Agreement that help with court fees, in order to encourage access for all parties, should be available for SMEs (small and micro enterprises). A discount of up to 40% of the fees can therefore be applied for by SMEs. When this proposal was first raised, there were concerns that this discount may be abused by non-practising entities (NPEs). However, the UPC has sought to prevent unjustified use of this reduction by including the possibility of additional penalty fees that will be applied should unjustified fee reduction requests be made.

Court fees can also be partially reimbursed if a case is heard by a single judge (25% reimbursement) or if the case is settled or withdrawn. The earlier in proceedings that the case is settled/withdrawn, the greater percentage of court fees will be reimbursed.

It is also of note that the UPC has within its discretion a right to deny or decrease the reimbursements due to the behaviour of a party. It is also within the UPC's discretion (upon application by a party) to wholly or partially reimburse the court fees if the amount would threaten the economic existence of a party who is not a natural person, eg, a small business. This flexibility should be viewed as a positive by potential UPC participants.

Rules on recoverable costs

It is important to note that the caps on recoverable costs relate to the costs of representation, ie, lawyer and attorney fees. Court fees, whilst not discussed in the rules and guidance, should be fully recoverable by a successful party. Other related expenses such as expert and translator fees and witness costs should also be recoverable so long as they are reasonable and are not subject to the caps discussed below. Compensation for expert and translator costs will be assessed on the basis of rates that are customary in the respective sector with a consideration of the complexity of the case and relevant experience of the individual.

There are essentially two steps to the approach to recoverable representation costs in the UPC. The first step is to ascertain a party's **reasonable and proportionate** costs. Once this amount is calculated, the second step is to see whether a cap should then be applied depending on the value of the action.

For recoverable costs of an infringement action, the case will be valued in the same way as for determining the court fee at the

OUseful links

- Full UPC fee and cost details can be found here (pdf): http://dycip.com/upcfeesandcosts
- The guidelines for case valuation can be found here (pdf):

http://dycip.com/upcfeesandcostsguide

UNIFIED PATENT COURT AND UNITARY PATENT WEBINAR 9am, noon and 5pm BST Wednesday 27 April 2016. Register to secure your place at www.dyoung.com/event-webupc

start of the action, although as noted above it may or may not be the same value. While an assessment of the value of a revocation action or counterclaim is not necessary for the purposes of court fees (there are, as noted above, no value based fees for such actions), valuation will be necessary in order to identify any applicable recoverable costs cap. For revocation claims, the value of the action is the value of the patent. The guidance states that in the absence of relevant information (without specifying what relevant information may be), the value of a revocation action may be the value of an appropriate licence fee for the remaining lifetime of the patent (and this will mean in all participating member states in which it applies). The value of a revocation counterclaim can be equal to the value of the initial infringement action plus 50% (the higher value being based on the fact that it has a value beyond the member states in which there may have been infringement, as well as value in relation to third party activities).

The value of each patent in the case should be calculated separately and totalled together, as should the value of the claim and any counterclaim, in order to ascertain the relevant cost cap.

While cases involving multiple parties will allow separate caps to apply to each party (so each party may recover an appropriate amount of costs), the cap is not affected by the number of patents involved in the proceedings. *Continued on page 04...*

Recoverable costs cap scale

Value of action up to and including	Cap on recoverable costs
€250,000	€38,000
€500,000	€56,000
€1,000,000	€112,000
€2,000,000	€200,000
€4,000,000	€400,000
€8,000,000	€600,000
€16,000,000	€800,000
€30,000,000	€1,200,000
€50,000,000	€1,500,000
More than €50,000,000	€2,000,000

Unified Patent Court Cošt considerations ... Continued from page 03

OUseful links

- Full UPC fee and cost details can be found here (pdf): http://dycip.com/upcfeesandcosts
- The guidelines for case valuation can be found here (pdf):

http://dycip.com/upcfeesandcostsguide



9am, noon and 5pm BST Wednesday 27 April 2016. Register to secure your place at www.dyoung.com/event-webupc

Gene-editing patents

CRISPR/Cas9 Academics fight over patent rights to an important technology





It remains unclear whether parties will therefore seek to bring actions separately (that would otherwise sensibly be heard together) so as to benefit from multiple costs recovery (and caps) for each proceeding.

Importantly, the caps may be raised or lowered in certain circumstances, at the request of one of the parties. Where the case is particularly complex or multi-lingual, caps maybe raised by up to 50% for cases valued up to and including €1m, and by up to 25% for cases valued over €1m up to €50m. Cases above €50m can have the cap raised to €5m. The parties' financial position will be considered by the UPC when making the decision whether to raise the cap ceilings.

Further, ceilings may be lowered (to no minimum figure) where the economic existence of the paying party may be threatened and such party is a micro-enterprise, SME, non-profit organisation, university, public research organisation or natural person.

No opt-out fee

As has been widely reported, there will be no fee for opting conventional European 'bundle' patents out of the UPC's jurisdiction, or for withdrawing an opt-out. In our view, this is a reasonable approach given that the cost to the UPC for administrating the opt-out process is believed to be minimal, and there is really no other justification for such a fee.

The logistics for the opt-out process are being clarified and we will continue to report on this as the process is communicated by the UPC Preparatory and Administrative Committees.

In short

UPC fees are relatively high. It should nevertheless be cost-effective for disputes covering multiple member states, or cases with multi-country implications. Smaller cases, especially those involving only a single member state or that can be resolved through proceedings in a single member state, may be more cost-effectively litigated in national proceedings, where that is possible (eq. for conventional European 'bundle' patents) during the transitional period. Opposition proceedings before the EPO will also remain a cost-effective option and we do not expect these to be materially affected by the UPC.

Further, whilst it has been confirmed that multi-party or multi-patent actions should pay only one court fee, it remains to be seen whether parties might be tempted to split related actions involving different patents into separate proceedings, so as to enable higher costs recovery. This has to be balanced of course against the additional court fees that will apply.

Author: Verity Ellis

wo groups of academic researchers are battling in various jurisdictions around the world to secure patent rights to a revolutionary gene-editing technology. For the reasons discussed below, it is possible that there could be a different winner in different jurisdictions. One group is lead by Professor Doudna (University of California) in collaboration with Professor Charpentier (formerly at the University of Vienna and now at Helmholtz Centre for Infection Research) - the Doudna group.

The other group is lead by Professor Zhang (Broad Institute of Harvard, MIT and Harvard College) - the Zhang group. A substantial amount of money from the exploitation of the technology is at stake for all parties.

Background

CRISPR/Cas9 has been hailed as one of the most major developments in biology since PCR. In brief, CRISPR/Cas9 is a gene-editing system that utilises a targetspecific guide sequence to direct the enzyme Cas9 to cut and, if required, replace DNA at a desired target. The accuracy of the CRISPR/Cas9 system has simplified the manipulation of genomes. This technique has many and varied uses including gene therapies for genetic diseases (eg, muscular dystrophy), generating improved crops and modifying embryos.

All three scientists have been awarded prizes for their work with CRISPR/Cas9. In particular, Doudna and Charpentier were awarded the 2015 Breakthrough Prize in Life Sciences. Meanwhile Zhang was awarded the 2014 Alan T Waterman Award by the National Science Foundation which recognizes an outstanding researcher under the age of 35.

Several companies have been formed which exploit the CRISPR/Cas9 technology including Editas Medicine, Intellia Therapeutics, Caribou Biosciences and **CRISPR** Therapeutics. Interestingly, Editas Medicine was founded by Zhang and Doudna, amongst others, but Doudna now has links with Intellia Therapeutics and is one of the founders of Caribou Biosciences. Charpentier is a founder of CRISPR Therapeutics.

Knowledge Bank Scan the QR code below using your internet enabled smart phone to access our IP knowledge site



CRISPR/Cas9 has been hailed as one of the major developments in biology since PCR

The patent situation in Europe

To date, three European patents have been granted to the Zhang group (EP2771468, EP2784162 and EP2896697). These three patents all have the filing date of 12 December 2013 and claim priority from twelve priority filings - the earliest of these priority dates is 12 December 2012. During examination, anonymous third party observations were filed. Following grant, oppositions have been filed by numerous groups against two of these patents; opponents include CRISPR Therapeutics AG (a company in which Dr Charpentier has a stake) and Novozymes. At issue are novelty, inventive step, enablement, added subject-matter and entitlement to priority. The deadline for filing oppositions against the third patent does not expire until June 2016 and, at the date of writing this article, no one has filed an opposition but it is extremely likely that oppositions will be filed against this third patent nearer the deadline.

The European opposition procedure could result in the amendment or even revocation of the Zhang European patents. The opposition procedure for each case will probably take a few years. Even then, once the opposition proceedings have been held it is likely that the decisions will be appealed. So it could be several years before a final decision is reached by the EPO Board of Appeal. If one or more of the patents is maintained, possibly in an amended form, it is likely that the patent fight will continue in various national courts in Europe. Possibly further prolonging the battle, the Zhang group have two pending European applications in this family (European application numbers 15154565 and 15154566) and it is likely that more divisional applications will be filed in order to keep an application to the subject-matter pending whilst the oppositions (and potentially appeals) are ongoing.

So far, the Doudna group have just one application (European application number 13793997) which is pending. This application has a filing date of 15 March 2013 and claims priority from four priority filings - the earliest of these priority dates is 25 May 2012. This priority date is earlier than the earliest priority date of the patents granted to the Doudna group. Third party observations have been filed - some are anonymous but others are by the Broad Institute. It is likely that the Doudna group will file divisional applications in order to keep an application to the subject-matter pending.

In brief, it will be several years before the fight for these patent rights in Europe is well and truly over.

The patent situation in the US

In the US, Zhang has already obtained the grant of several patents and still has several applications pending. Doudna and Charpentier have several applications pending.

Following the enactment of the America Invents Act on 16 March 2013, the US came into line with the rest of the world and now uses a 'first to file' to determine who a patent can be granted to. However, when these cases were filed, the US still operated under the old 'first to invent' system.

The University of California asked the USPTO to determine who was the 'first to invent' the technique. The USPTO is now conducting what is known as an 'interference proceeding' to determine this. With so much at stake, it is likely that whoever loses before the patent board will file an appeal. So in the US it could also take a long time before the fight for these patent rights is concluded.

Summary

In the next few years we will be hearing a lot about the fights for these patent rights concerning the CRISPR/Cas9 technology. It will be intriguing to see how the various jurisdictions conclude what was disclosed by whom and when. Because the US operated the 'first to invent' system at the time the US cases were filed, it is possible that the outcome of the patent fight in the US may differ to that before, for example, the EPO. These conflicts are creating uncertainty for academic researchers as well as companies using the technology and potential investors. The outcome of these patent fights is likely to significantly affect who can have a licence to use the technology and the terms of that licence.

Author: Stephanie Wroe

Registered Community designs

Trunki loses Supreme Court appeal PMS International Group PIc v Magmatic

Useful link Full decision of the Supreme Court in PMS International Group Plc v Magmatic Ltd [2016] UKSC 12 (9 March 2016): http://dycip.com/trunkisupremecourt

n a decision that will no doubt disappoint many design right holders, Magmatic today lost its appeal to the UK Supreme Court in its case against PMS, who sell the competing Kiddee Case. The case concerned a Registered Community design (RCD) for the well-known Trunki ride-on childrens' suitcase. The ultimate question in any design case under EU harmonised law is whether the overall impression of the design of (or incorporated in) the alleged infringement is the same as that of the RCD. This first involves identifying what the overall impressions of the two designs are.

Trunki at the Court of Appeal

The Court of Appeal had overturned the first instance decision, where the judge had found infringement, holding that the overall impression of the RCD was of a "horned animal". While the author has concerns about characterising what is ultimately a design for a suitcase by reference to something guite different and indeed general in description (similar concerns apply to describing an air freshener by reference to a snake's head - see P&G v Reckitt Benckiser), one can see what the Court of Appeal was trying to do with that description of what the RCD depicted in terms of the shape aspects of the design. Importantly in this case therefore, the Court of Appeal came to that conclusion as regards the RCD based on the shape of the design depicted, and the fact there was no decoration shown in the RCD to alter that impression. For several reasons the Court of Appeal said that the Kiddee Cases in issue had different overall impressions, being of an insect and a non-horned animal respectively. Again, comparing the shape and other features of the RCD with the equivalent elements in the Kiddee Cases, and ignoring surface decoration, one can understand that conclusion, even if reasonable people might differ.

Controversially however, the Court of Appeal appeared to base its decision in part on the influence of the surface decoration of the Kiddee Cases. This caused significant comment among observers since it seemed clearly to contradict earlier case law which says that where a protected design is for a shape (eg, when it has no surface decoration), surface decoration on an alleged infringement is to be ignored. While there was some doubt as to whether the RCD was a pure shape design (the RCD did have several aspects which showed tonal contrast, such as the wheels, clasp and strap, and these were not reproduced in the Kiddee Cases), the "impression" given to many readers of the Court of Appeal's decision was that the surface decoration on the Kiddee Case depictions of whiskers, eyes, spots, body tone etc - had played a large part in its finding of different overall impressions. The Court of Appeal seemed to describe the different overall impressions by reference to the applicable decoration on the Kiddee Cases. Again, as the RCD had no such decoration this seemed somewhat contrary to the established law.

Supreme Court decision

The Supreme Court today however upheld the Court of Appeal. It did so on the basis that the overall impression of the RCD was indeed of a horned animal, and that the Kiddee Cases had different overall impressions. While the judgment could be clearer on this point, it seems that its primary reason for upholding the Court of Appeal doing so was based on the overall impressions of the shapes.

On the key issue of whether surface decoration was relevant to that consideration, the Supreme Court judgment appears to play down its importance, describing it as having "limited force" in this particular case.

Nevertheless, the judgment suggests that surface decoration could be taken into account in deciding whether a shape design is infringed but possibly only to the extent that it would reinforce the overall impression of the underlying shapes concerned. It also hinted at there being more force in the point where surface decoration had been "positively distracting in nature": then it may have an effect on overall impression. It made this comment by reference to an RCD rather than an alleged infringement, which makes it somewhat unclear as to how "distracting" surface decoration should be taken into account in an alleged infringement. All of this may also be seen as somewhat controversial since it hints at a role for surface decoration in cases where there is none shown in an RCD.

A related point, which was run in argument, was whether the "absence" of surface decoration could be a positive feature of a design. as was suggested in Apple v Samsung. It was suggested that if this point was indeed relevant to the Trunki appeal, there should be a reference to the Court of Justice of the European Union (CJEU). The Supreme Court refused to make a reference because the question wasn't in issue in the Trunki appeal (the court could decide without deciding the point, which in any event it considered was not raised by the Court of Appeal decision). Having said that, the Supreme Court did say obiter that absence of surface decoration could be a feature of an RCD. Overall the Supreme Court decision in our view only provides limited clarity on the scope of protection of shape designs. The court seems to have held that surface decoration in an alleged infringement can be taken into account in some circumstances, although the limits of that remain unclear. In the Trunki case itself, the court has played down the relevance of the Court of Appeal's consideration of surface decoration.

What does come out from the decision, yet again, is the importance of care in filing design registrations, so as not to limit scope of protection unnecessarily, especially for shape designs. Merely filing photographs or even CAD representations with unnecessary tonal contrasts depicted, could unintentionally do just that.

Therefore a note of caution to applicants: a hastily filed RCD has the potential to undermine the enforceability of your design rights.

Author: Richard Willoughby

EPO / Patent renewal fees

Patent renewal fees What is your European patent representative responsible for?

f your European representative is responsible for paying the renewal fee on a European patent application then, not surprisingly, they must ensure that you, the applicant, are reminded that the renewal fee is due and take appropriate action. But what if another party is responsible for paying the renewal fee on the European patent application?

In the recent decision T942/12, the EPO has clarified where the 'duty of care' lies for paying renewal fees.

Before T942/12, if the renewal fees were paid by someone else then according to case law (J27/90, J11/06 and J12/10) the European representative **remained responsible** in the procedure before the EPO and had a **continuing obligation** to monitor time limits and send reminders to the applicant.

As discussed below, in the light of T942/12 the responsibility of the European representative for renewal fees has, in specific situations, changed.

T942/12 relates to the non-payment of a renewal fee and a request for 'reestablishment of rights' under Article 122 EPC.

Article 122 EPC requires that 'all due care' is taken in observing time limits.

All due care requires proof that the nonobservance of a time limit was caused by an **isolated error** in an otherwise properly working system; for example, a human error occurring for the first time due to pressure and not negligence may be regarded as an isolated mistake (T111/92).

T942/12 concerned an application which was transferred from one Australian applicant to another Australian applicant. There had also been a change in the Australian representative and a change in who was responsible for paying the renewal fees. The European representative did not change.

The initial request was rejected by the Examining Division and it was held that the European representative, the new applicant and the Australian representative had not shown 'all due care'. However, on appeal the Examining Division's decision was overturned for the reasons below.

The European representative had received explicit instructions that he "was not required to maintain renewal fee reminder records or attend to the payment of renewal fees".

When the European representative had received a standard notice issued by the EPO concerning the non-payment of a renewal fee, the European representative forwarded it to the Australian attorney. Nevertheless, the deadline for paying the renewal fee with the late payment fee was missed.

In connection to the duty of care by a European representative, the EPO held that when a European representative is expressly instructed not to monitor the payment of renewal fees "it cannot be expected that the European representative monitors renewal fee payments at his own expense (he will not be able to charge for fees for actions he is to refrain from according to his instructions). Furthermore, sending reminders against instructions may irritate the instructing party and may impair the relationship with the client. The client may have good reasons for giving such instructions, eg, to avoid receiving reminders from different sources that will lead to additional work and expense for him. Reminders from different sources can also be a source of confusion and thus lead to mistakes."

Previously it had been held by the EPO that "even if the renewal fee was paid by someone else, the European representative remained responsible in the procedure before the EPO and had to take the necessary steps to ensure payment" (eg, J27/90, J11/06 and J12/10). One difference in these previous cases to T492/12 is that there had not been explicit instructions for the European representative not to monitor the renewal fees.

It was held in T942/12 that the European representative's duty of care involved forwarding the standard overdue renewal fee notice to the Australian attorney, but it did not involve checking that the Australian attorney had received the notice and taken appropriate action. The records and renewals department at the Australian patent firm had been notified that they were responsible for paying the renewal fee but there had been a failure to enter the application into the renewal fee monitoring system. Based on the facts of this case, the Board of Appeal considered the circumstances of this error to be an "isolated mistake".

Since it was found that an "isolated mistake" had occurred at the Australian patent firm and, as all parties had acted in good faith to keep the application alive, re-establishment was allowed.

Take home points

If your European representative is responsible for renewal fees on European applications then they should ensure that appropriate reminders are sent to you and, as appropriate, the renewal fee is paid.

If another party is responsible for renewal fees on European applications and there is **no explicit instruction** for the European representative **not** to be responsible for renewal fees, then according to the Boards of Appeal, your European representative should continue to provide the service of monitoring time limits and sending you reminders about paying the renewal fees.

If another party is responsible for renewal fees on European applications **and** there is an **explicit instruction** for the European representative **not** to be responsible for renewals fees, then the only responsibility in connection to renewal fees that your European representative has is to forward any correspondence concerning nonpayment of renewal fees to you.

Author:

Stephanie Wroe

Information

D YOUNG[&]CO NTELLECTUAL PROPERTY

And finally...

Contributors

EPO patent official fee increases Effective 01 April 2016

The European Patent Office (EPO) has recently announced increases to many of its official fees for patent services. Fee changes came into effect on 01 April 2016. Not all fees have increased and where they have, compared with last rises, the increases are relatively small (2% maximum). The new fees apply for payments made after 01 April 2016 and not the due date of the fee. For further information please contact your usual D Young & Co advisor.

Comparison of the more common fees	Existing fee	Revised fee (from 01 April 2016)	Increase	
	EUR (€)	EUR (€)	EUR (€)	%
Application fee (online application)	120	120	0	0.00
Additional page fee (for 36th and each subsequent page)	15	15	0	0.00
Search fee (for applications filed after 07/2005)	1,285	1,300	15	1.17
Designation fee (per contracting state)	580	585	5	0.86
Examination fee (where a supplementary European search exists)	1,620	1,635	15	0.93
Examination fee (where no supplementary European search report exists)	1,805	1,825	20	1.11
Grant fee, including publication	915	925	10	1.09
Opposition fee	775	785	10	1.29
Appeal fee	1,860	1,880	20	1.08
Further processing (not fee related)	250	255	5	2.00
Further processing (late fee surcharge)	50%	50%	0	0.00
Claim fee (for each claim 16th to 50th)	235	235	0	0.00
Claim fee (for each claim 51st onwards)	580	585	5	0.86
Renewal fee 3rd year 4th year 5th year 6th year 7th year 8th year 9th year 10th year and each year thereafter	465 580 810 1,040 1,155 1,265 1,380 1,560	470 585 820 1,050 1,165 1,280 1,395 1,575	5 5 10 10 10 15 15 15	1.08 0.86 1.23 0.96 0.87 1.19 1.09 0.96
Late payment of renewal fee	50%	50%	0	0.00

Contact details

D Young & Co LLP 120 Holborn, London, EC1N 2DY T +44 (0)20 7269 8550 F +44 (0)20 7269 8555

D Young & Co LLP **Briton House, Briton Street** Southampton, SO14 3EB T +44 (0)23 8071 9500

F +44 (0)23 8071 9800

www.dyoung.com mail@dyoung.com

www.dvouna.com/newsletters

This newsletter is intended as general information only and is not legal or other professional advice. This newsletter does not take into account individual circumstances and may not reflect recent changes in the law

For advice in relation to any specific situation, please contact your usual D Young & Co advisor.

D Young & Co LLP is a limited liability partnership and is registered in England and Wales with registered number OC352154. A list of members of the LLP is displayed at our registered office. Our registered office is at 120 Holborn, London, EC1N 2DY. D Young & Co LLP is regulated by the Intellectual Property Regulation Board

Copyright 2016 D Young & Co LLP. All rights reserved

'D Young & Co', 'D Young & Co Intellectual Property' and the D Young & Co logo are registered trade marks of D Young & Co LLP.

Partner, Editor **Nicholas Malden**



Partner

Richard Willoughby rww@dyoung.com www.dyoung.com/ richardwilloughby





Associate Verity Ellis vee@dyoung.com www.dyoung.com/ veritvellis



Head of IP Support Services Andrew Johnson anj@dyoung.com www.dyoung.com/ andrewjohnson

UNIFIED PATENT COURT AND UNITARY PATENT WEBINAR

9am, noon and 5pm BST Wednesday 27 April 2016. Register to secure your place at www.dyoung.com/event-webupc