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## STANDING COMMITTEE ON THE LAW OF PATENTS

Third Session  
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### FEE REDUCTIONS BY THE OFFICES

*prepared by the International Bureau*

#### Introduction

1. During the second session of the Standing Committee on the Law of Patents (SCP), held from April 12 to 23, 1999, the Standing Committee discussed, based on documents SCP/2/6, 10 and 12, the issue of reduction of fees charged by patent Offices. The result of the discussion is summarized in the Report (document SCP/2/13, paragraph 275) as follows:

“After some discussion, it was agreed that the International Bureau should further study the issues relating to the reduction of fees by national Offices, taking as a starting point the proposal by the Delegation of Sudan as contained in paragraph 2 of document SCP/2/10, while considering in particular whether the reduction should affect all or only a certain type of fees, whether the notion of “natural person” needed further definition, and whether legal entities should also profit from such reductions. The study of the International Bureau would be submitted to the next meeting of the SCP for further consideration. Following the request by the Delegation of Cuba, it was also agreed that the International Bureau should consider the impact of the current fee reduction practice under the PCT on its administration.”

2. The present document contains information on this issue for consideration by the Standing Committee.

### Current Practices of National and Regional Offices

3. The current practices of national and regional offices with respect to fee reductions are contained in Annex I of this document, which is a revised version of Annex I (“Result of the Questionnaire Concerning Fee Reductions of Patent Offices with Respect to Patents Which was Sent Together with Circular C.6102 on November 10, 1998”) of document SCP/2/6. In particular, additional or corrected information concerning Brazil, Ghana, Latvia, Mexico and the EPO has been included, based on the communication to the International Bureau from the relevant Offices.

### Conditions of Fee Reductions

4. At the second session of the SCP, it was agreed that the proposal by the Delegation of Sudan as contained in paragraph 2 of document SCP/2/10 would be the starting point of the study by the International Bureau. That proposal reads as follows:

“The SCP recommends that each Member State of WIPO and, where Member States of WIPO are members of intergovernmental organizations which have competence in the area of patents, such organizations, adopt a policy that all fees to be paid to the Office of those States and organizations be reduced by 50% for any applicant or owner of a patent, who is a natural person, regardless of his/her nationality and/or residence.”

5. The proposal contains the following essential questions concerning conditions for the fee reductions by the Office:

- (i) what types of fees should be reduced?
- (ii) who should be entitled to the fee reduction?
- (iii) what should be the amount of the reduction?

These conditions are examined in the following paragraphs based on the information gathered by the International Bureau (Annex I) and the discussion at the second session of the SCP.

#### A. Types of Fees to be Reduced

6. The proposal quoted in paragraph 4, above, suggested that all fees should be subject to fee reductions. During the second session of the SCP, some delegations preferred that fee reductions be limited to certain types of fees with respect to procedures before the Office. According to the information contained in Annex I, only 5 Offices allow fee reductions for all types of fees, whereas other Offices limit fee reductions to certain types of fees. 30 Offices provide reductions for application fees and 28 Offices provide reductions for annual or maintenance fees. Few Offices provide fee reductions for examination fees, fees for filing an appeal or fees for accelerated examination, etc.

7. The types of fees subject to fee reductions could be determined taking into account aspects such as economic support to the applicants and financial operation of the Office. However, as shown in Annex I, fee reductions for at least application fees and annual or maintenance fees are provided by almost all the Offices that provide fee reductions.

#### B. Persons Entitled to Fee Reductions

8. The Offices mentioned in Annex I which apply fee reductions provide those reductions in respect of applicants and/or owners in one or more of the following categories:

(i) a natural person who is an inventor;

(ii) other natural persons;

(iii) certain types of legal entities, such as small and medium enterprises (SMEs), non-profit organizations, research institutes, etc.

9. As stated by a number of delegations during the second session of the SCP, the objectives of granting fee reductions are to encourage inventors to apply for patents, to support inventors who seek patent protection, and to stimulate the use of patent systems by way of providing financial incentive to applicants. In those respects, items (i) to (iii) of paragraph 8, above, seem to target applicants/owners who, in general, need financial support to seek patent protection. However, the question of who may benefit from fee reductions depends on the national policy of each national/regional Office.

10. On one hand, the promotion of inventive activity and encouragement of the use of the patent system are important roles played by the patent Offices. On the other hand, a sound financial basis and the proper functioning of the Offices is also indispensable, in particular for those Offices which are financially independent from their governments' budgets. During the second session of the SCP, one delegation, whose Office provides fee reductions for independent inventors, natural persons, micro- or small industry, public or private higher education establishments and public-sector research institutes, indicated that, from a total of 12,000 applications per year, only 3% were entitled to fee reductions. Other delegations pointed out that fee reductions might, in certain cases, shift the financial burden to the applicants who were not entitled to such reductions.

11. Among the 31 Offices listed in Annex I which provided fee reductions, 11 Offices provided certain fee reductions for applicants/owners who were natural persons, and were inventors. Another eight Offices indicated that fee reductions applied to all applicants/owners who were natural persons. However, the information contained in Annex I is not sufficient to draw the conclusion that the term "natural person" is generally construed as "independent inventor" or "inventor and his successor in title," or that that term covers the case where the inventor assigned his rights to another individual natural person. For example, according to 37 CFR 1.9(c) of the United States of America, "an independent inventor" who is entitled to fee reductions is defined as "any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an

independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section”.<sup>\*</sup> In the absence of any definition of the term “natural person,” the question of what constitutes a natural person remains a matter for the law applicable to the Office.

12. The term “natural person” will usually cover the inventor or his successor in title. It is therefore considered that the use of the words “natural person” would be easier for the Offices, since checking the term “inventor or his successor in title” in each case would impose additional burden on Offices.

13. During the second session of the SCP, it was also pointed out that a system, which extended fee reductions to any natural person, might be abused by a legal entity, which could apply for a patent under the name of a natural person. Some Offices ask for a proof of entitlement to the fee reductions by way of, for example, furnishing verified statements or declarations. Any attempt to fraudulently establish a status as a recipient of fee reductions or pay fees as such a recipient could be considered as a fraud practiced or attempted on the Office, as is the case in certain Offices.

14. As regards item (iii) of paragraph 8, seven Offices provide fee reductions for small and medium enterprises, and eight Offices provide fee reductions for non-profit organizations or research institutions. One of the foreseeable difficulties under this item is the definition of terms such as “small and medium enterprises”, “non-profit organization” and “research institutes,” which could be entitled to fee reductions. For example, the size of the enterprises that could be considered as SMEs and are eligible for fee reductions could be left to each country, taking its social and economical situation into account.

#### C. Amount of Reductions

15. The amount of the reductions which are reflected in Annex I varies widely from 50% to 100%, depending on other conditions applicable to each Office. However, it seems that 100% fee reductions are applied only in special cases, for example, where applicants/owners are war-veterans.

#### Impact of PCT Fee Reduction on Its Administration

16. The Schedule of Fees annexed to the PCT Regulations provides for reductions in certain cases of the main fees paid to or for the benefit of the International Bureau of WIPO in connection with the filing of international applications and of demands for international preliminary examination, namely, the international fee (comprising the basic fee and designation fees) and the handling fee. A fee reduction of 75% in those fees is available “for international applications filed by any applicant who is a natural person and who is a national

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<sup>\*</sup> According to the law of the United States of America, a small entity, which could be an independent inventor, a small business concern or a nonprofit organization, is entitled to fee reductions.

of and resides in a State whose per capita national income is below US\$3,000 (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997); if there are several applicants, each must satisfy those criteria” (see item 5 of the Schedule of Fees). The States having a per capita national income below US\$3,000 according to the above mentioned figures and the PCT Contracting States whose nationals and residents are eligible for the fee reduction are listed in Annex II.

17. In 1998, 1371 International applications (2% of the 67,007 international applications filed in that year) came from countries whose applicants potentially qualify for the 75% fee reduction in respect of the international fee, and 804 international applications (1.2%) in fact qualified for that fee reduction.

#### Possible Future Action

18. At the second session of the SCP, a number of delegations supported the approach of a recommendation by the General Assembly of WIPO and the Assembly of the Paris Union in favor of certain fee reductions, whereas other delegations preferred that such a recommendation not be made and expressed that this issue should be left to the law applicable to the Offices. An alternative form could be a recommendation by the SCP itself. It goes without saying that, in any event, the recommendation would not prevent any Office from providing further fee reductions, which might motivate inventors to file a patent application and promote innovative activities.

19. The following draft recommendation is presented for the purposes of discussion by the Standing Committee:

“The Standing Committee on the Law of Patents,

*Recommends* to each [Member State of the Paris Union or of the World Intellectual Property Organization (WIPO)][of its Members] to adopt a policy that [application fees, annual fees and maintenance fees][all fees] in respect of patent applications and patents, which are to be paid to the Office of those States, be reduced by 50% for any applicant for a patent or owner of a patent who is [a natural person][a small entity], regardless of his/her nationality and/or residence; and

*Recommends*, to each [Member State of the Paris Union or of WIPO][Member], which is also a member of an intergovernmental organization that has competence in the area of patents, to bring to the attention of that organization the possibility of adopting, *mutatis mutandis*, such a policy with respect to fee reductions.”

[Annexes follow]

## ANNEX I

The current practices of national and regional offices with respect to fee reductions

I. States and Organizations which Provide Any Fee Reductions

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Armenia	- Natural person - Legal entity having up to 25 workers	- Fee for receipt of patents for invention - Fee for maintaining patent	75%	From the moment of registration of licensing agreement on patented invention, the next annual fee should be paid by the full rate.	Law on Official Fees, Article 28, fourth part
	Legal entity having from 25 to 100 workers		50%		
Austria	- Applicant who is without means - Applicant who files an application the evident purpose of which is the production or saving of energy	- Application fee - Annual fee for the first, second and third years, or of some of these fees, up to due date for the second, third or fourth annual fees	100%		Patent Act, Section 171
Bosnia and Herzegovina	Inventor who is also a member of Inventors Association	Any fee for filing patent application	100%		Schedule of Fees (Official Gazette on April 11, 1996)
	Natural person who is an inventor	- Fee for a patent application - Fee for maintaining a patent - Fee for a request for examination - Fee for urgent patent examination	50%		

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State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Brazil	- Natural person - Micro-enterprise - Teaching and research institution - Governmental institution - Non-profit organization	All types of fees (application fee, request for examination, amendments, re-instatement, restoration, appeals, issue of patent, maintenance fee etc.)	70%		Resolution of INPI No. 052/97 (May 12, 1997)
	Owner who offers a license		50%		
Bulgaria	- Inventor - State education institution, academic research organization and some other budgetary organization - Small and medium sized enterprise	All fees	50%		Tariff of Fees Collected by the Patent Office, Article 3
China	A natural person	- Application fee - Maintenance fee - Fees regarding a request for substantive examination and re- examination (appeal) - Annual fee	75 % maximum		Implementing Regulations of the Patent Law, Rule 90
	Two or more natural persons or natural person(s) and legal person(s)		50% maximum		
	A legal person		50% maximum	No fee reduction provided where applicants are more than two legal persons	

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Croatia	Inventor	- Application fee - Substantive examination fee - Maintenance fee	75%	Maintenance fee shall be paid to the tenth year, inclusively.	Law on Administrative Fees in the Field of Industrial Property Rights (NNRH no. 55/96), amended by NNRH no. 59/96
Czech Republic	Applicant(s) is(are) exclusively the inventor(s)	Application fee	50%		Law of Administrative Fees
	Owner who offered a license	Maintenance fee			
Finland	Inventor	Printing Fee	100%	The applicant must be considered to have great difficulty in paying the fee.	Patents Act, Section 19, Paragraph 4
Former Republic of Yugoslavia	National inventor	- Application fee - Maintenance fee - Other fees	90%		- Federal Administrative Fees and Tariffs, #59, December 4, 1998 - Law on the Federal Administrative Fees, #81, November 11, 1994
	- Institutions in the field of education, science, culture, health and social insurance - Foreign natural and legal persons under the principle of reciprocity	All fees	100%		
Gabon	In accordance with the decision made by the Administrative Council of the OAPI, a national of Member States of the OAPI who is an inventor and has no means to protect his invention may be subsidized. Each Member State may dispose of five "subsidized" applications per year. For those applications, an application fee and a publication fee are free, and the first nine annual fees are reduced by 80%.				Resolution No. 31 of the 29 <sup>th</sup> session of the Administrative Council of OAPI



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State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Georgia	Natural person	- Application fee - Maintenance fee	50%		Statute on fees for Patenting Inventions
Germany	Applicant who is in a certain state of need and there are adequate prospects that the patent will be granted	Legal aid may be granted with respect to the payment of fees, regardless of the nationality of an applicant.			Patent Law, Section 129
	Payment may not be reasonably expected of the applicant due to his current financial situation	- Dispatch of the notification may be postponed so that the four months' period of grace for the annual fee will not start to run. - Payment of the fees for the grant and for the third to twelfth years may be deferred or waived.			Patent Law Sections 17(4) to (6), and 18
Ghana	- Individuals - Small entities employing less than 25 persons	- Fee on request of grant of patent - Fee on amendment of application - Annual Fee, etc. <sup>1</sup>	50%		Patent Regulations, 1996, L.I.1616
Hungary	Person entitled to the application/patent is exclusively the inventor	- Filing and search fees - Examination fee - Fee for grant and printing fee - Annual maintenance fee for the first five years	75%		Decree No. 77/1995 (XII. 29) IKM as amended with Decree No. 42/1997 (VIII.1.) IKIM Section 14
		Annual maintenance fee for the sixth to the tenth years	50%		

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State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Japan	Inventor (or his heirs) who is natural person and cannot afford to pay the fees due to poverty	- Fees for request for examination - Annual maintenance fee for the first three years from obtaining the patent	Exemption or reduction of fees	The amount of reduction would be decided depending on the difficulty of the payment.	Japanese Patent Law, Articles 109 and 195 <i>bis</i>
	Japanese administrative authorities	All fees	100%		
Kyrgyzstan	- Natural person - Non-profit organization	All fees prescribed for in the Regulations No. 346	75%	- Applicable only where all the applicants comply with the requirements - Not applicable where a licensing agreement on preliminary patent transfer or patent is concluded	Regulations No. 346, June 12, 1998
	Small enterprise		50%		
Latvia	Individual inventor	All fees relating to inventions	60%		Regulations on State Fees for the Protection of Industrial Property, No. 309, Article 5
	- Pensioner - Student		80%		

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State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Mexico	<ul style="list-style-type: none"> <li>- Independent inventor</li> <li>- Natural person</li> <li>- Micro or small industry</li> <li>- Public or private higher education establishment</li> <li>- Public-sector research institute</li> </ul>	<ul style="list-style-type: none"> <li>- Application fee (including examination as to form and substance)</li> <li>- Maintenance fee, etc.<sup>2</sup></li> </ul>	50%	The natural persons, micro and small industries and institutions mentioned have to prove their entitlement to the 50% discount <sup>3</sup>	Agreement whereby the Tariff for services rendered by the Mexican Institute of Industrial Property were announced, published in the “Diario Oficial de la Federación” on August 23, 1995
Panama	Inventor only	<ul style="list-style-type: none"> <li>- Application fee</li> <li>- Maintenance fee</li> <li>- Administration fees</li> </ul>	90%	<ul style="list-style-type: none"> <li>-Applicable only where the applicant cannot afford to pay for the fees</li> <li>-A sworn declaration to this effect is needed</li> <li>- However, all fees must be paid when patent rights or a patent application are transferred to a solvent right-owner</li> </ul>	Article 215 of Law No. 35, issued on May 10, 1996

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Poland	Applicant who proves that he/she/it is unable to pay a fee	Application fee	Up to 70%		Regulations of April 28, 1993 concerning litigation and appeal proceedings, and fees charged in patent granting proceedings and for maintenance of patents and utility models rights of protection, Section 22
		- Request fee for rendering a decision in litigation proceedings - Appeal fee - Publication fee - Maintenance fee	Exemption or reduction of fees		
Portugal	Applicant who proves that he/she/it does not have sufficient income to pay a fee	Fees relating to an application and maintenance of a patent	80%		Industrial Property Code, Article 282

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Republic of Macedonia	<ul style="list-style-type: none"> <li>- Pensioner</li> <li>- Invalid</li> <li>- Pupil and student</li> <li>- Self-reliant artist</li> <li>- Soldier</li> </ul>	<ul style="list-style-type: none"> <li>- Application fee</li> <li>- Maintenance fee</li> <li>- Fee for the request for termination of patent band proposal doe declaring invalidity of the decision for recognition;</li> <li>- Fee for the objection to the decision for recognition of the right</li> <li>- Fee for the request for earlier publication</li> <li>- Fee for the request to accelerate the procedure of application in case of conflict</li> </ul>	50%	For the maintenance of the right from additional patent application, reduction for the additional patent fee per year will be less than 30%.	Act of administrative fees
Russian Federation	War-veteran who is a single applicant	<ul style="list-style-type: none"> <li>- Fee for filing an application</li> <li>- Fee for examination</li> <li>- Fee for filing an appeal</li> <li>- Fee for granting a patent</li> <li>- Annuities for the first three years</li> </ul>	100%		Statute on Fees for Patenting Inventions, Utility Models, Industrial Designs, for Registration of Trademarks, Service Marks Appellations of Origins of Goods and for Offer the Right to Use Appellations of Origins of Goods

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Russian Federation	Invalid or a student of the State general education institute who is a single applicant	- Fee for filing an application - Fee for examination - Fee for filing an appeal - Fee for granting a patent - Annuities for the first three years	80%		
	Natural person other than war-veteran, invalid or a student of the State general education institute, and who is a single applicant	- Fee for examination - Annuities for the first three years	75%	Delay of payment for three years is given for 75% of the established amount of fees	
	Several applicants each of whom is a war-veteran or an invalid	- Fee for filing an application - Fee for examination - Fee for filing an appeal - Fee for granting a patent - Annuities for the first three years	80%		
	Government-owned company or institution	- Fee for filing an application - Fee for examination - Fee for filing an appeal - Fee for granting a patent - Annuities for the first three years	--	Delayed payment for three years of the established amount is allowed.	Statute on Fees for Patenting Inventions, Utility Models, Industrial Designs, for Registration of Trademarks, Service Marks Appellations of Origins of Goods and for Offer the Right to Use Appellations of Origins of Goods

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State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Russian Federation	Applicants related to some categories of radiation- affected persons	All fees	100%		Law on Social Defense of Citizens Subject to Radiation Due to Catastrophe on the Chernobyl Atomic Power Plant, Articles 14 to 17
	Any patent holder who granted license in public interest (open license)	Annual fee	50%	Reduction begins with the next year after publication of an open license	Patent Law, Article 13
Spain	A natural person not having sufficient economic means	Application fee	100%	-A written declaration concerning the lack or means is required  -Up to the 4 <sup>th</sup> year. Thereafter, all fees are due	-Law No. 11 on Patents, Article 162, issued March 20, 1986 -Decree No. 2245, Regulations on Patents, Articles 76 to 79, issued October 10, 1986
		Maintenance fee	100%		

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Turkmenistan	National of Turkmenistan who is a single applicant and is: - a participant of the World War II, or - a pupil of general education	Procedural fees to acquire patents and 1-5 years of validity of patent (provisional patent)	100%		Regulations of fees for patenting of inventions, industrial designs and trademarks registrations, November 25, 1994, N 1998.
	- Non-working pensioners - invalids - students and pupils of vocational schools and colleges		50%		
Ukraine	National of Ukraine or the CIS who is: - disabled soldier - participant of the World War II or military operations abroad - person who suffered from Chernobyl disaster	All fees	100%		Regulations on the Order of Payment of Fees for Activities Connected with the Rights Protection for Inventions, Utility Models, Industrial Designs, Topographies of Layout Designs and Marks for Goods and Services, October 10, 1994, as amended



State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Ukraine	<ul style="list-style-type: none"> <li>- Persons disabled owing to labor mutilation or professional disease</li> <li>- Pupils and students</li> </ul>	<ul style="list-style-type: none"> <li>- Application fee</li> <li>- Examination fee</li> <li>- Maintenance fee for the third to five years</li> </ul>	50%		
Uzbekistan	Veterans of the World War II and persons equated with them	All fees	100%		The State Patent Office Order No. 85 of November 3, 1994 about non-fees for veterans of the World War II and for persons equated with them
	Natural persons who are pensioners, students or small entities where they solicit for protection documents to their names	Fees for application, protection document grant and its maintenance in force	70%		The State Patent Office Order No. 14 of March 26, 1993 about fees on patenting of inventions, utility models, industrial design and on trademark and service mark registration
	Legal persons who are: <ul style="list-style-type: none"> <li>- non-profitable (institutes, non-commercial organizations)</li> <li>- financed at the expense of the State budget</li> </ul>	Fees for application, protection document grant and its maintenance in force	50%		

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State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Uzbekistan	Applicants who have given their rights to the state fund of the intellectual property	All fees, except appeal to the decision of the examination	100%		
Viet Nam	Domestic applicants (both individuals and organizations)	All fees	Reduction	Fees applicable to Vietnamese applicants and foreign applicants are specified in the Annex to the Circular No. 23	Circular No. 23 TC/TCT of the Ministry of Finance of SR of Viet Nam for guiding the collection, payment and management of industrial property services charges and fees, May 9, 1997

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Eurasian Patent Office	Persons having their residence or legal entities having their principal place of business on the territory of any State party to the Paris Convention in which the yearly <i>per capita</i> gross national product amounts to US\$3,000 or less, or the representatives of such persons or entities	<ul style="list-style-type: none"> <li>- Filing of Eurasian application</li> <li>- Substantive examination</li> <li>- Grant of Eurasian patent</li> <li>- Filing of oppositions against decisions of the Office, except for filing an opposition in accordance with Rule 53(5)</li> <li>- Extension and restoration of missed time limits</li> </ul>	80%	<ul style="list-style-type: none"> <li>- If there are several applicants, the fee reduction applies where all the applicants comply with the requirement.</li> <li>- Legal entities the registered capital of which includes, on the date of filing Eurasian application, direct or indirect investments made by natural or legal persons of States in which the yearly <i>per capita</i> gross national product amounts more than US\$3,000</li> </ul>	<ul style="list-style-type: none"> <li>- Patent Regulations under the Eurasian Patent Convention, Rule 40(4)</li> <li>- Statute of fees charged by the Eurasian Patent Organization, approved by the Administrative Council on November 25-26, 1997</li> </ul>
	Applicants from countries party to the Eurasian Patent Convention	All procedural fees	90%		

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
European Patent Office	Natural or legal person having their residence or principal place of business within the territory of a EPC Contracting State having a language other than English, French or German as an official language, and nationals of that State who are resident abroad	- Filing fee - Examination fee - Opposition fee - Appeal fee	20%		- European Patent Convention (EPC), Article 14(2) - Regulations under the EPC, Rule 6(3) - Rules relating to Fees, Article 12(1)
	Nationals of a State which fulfils the requirements for the corresponding reduction of fees payable to the International Bureau of WIPO	International search and preliminary examination fees	75%		Decision of the Administrative Council of June 14, 1996

II. States and Organizations Which Do Not Provide Any Fee Reductions

Barbados, Chile, Cuba, Denmark, Ethiopia, Guatemala, Holy See, India, Kazakhstan, Libya, Lithuania, Luxembourg, Malta, Mauritius, Monaco, Morocco, Netherlands, Republic of Moldova, Singapore, Slovak Republic, Slovenia<sup>4</sup>, Swaziland<sup>5</sup>, Sweden, Switzerland, Trinidad and Tobago, Turkey, Venezuela

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<sup>1</sup> Fee reductions are available in Ghana with respect to the following types of fees: request of grant of patent; request for Registrar's certificate authorizing the release of a sample from a culture collection; amendment of application; filing correction; international-type search; grant of patent; annual fee; surcharge for extension of time for payment of annual fee; application for extension of term of a patent; registration of lapsed patent or application which is deemed to have been withdrawn; notice of opposition to an offer to surrender a patent or utility certificate or claim therein; request for alteration of name, nationality, address or address for service; application to record change in ownership of a patent; request for inspection of register; request for certified copies or extracts from the register; request for the correction of an error relating to a patent and patent application; notice of opposition to the correction of an error relating to a patent; application for recordal of order of court or tribunal; petition for registration of license contract; certification of registration of license contract; notice of objection to an application for entry in the register that licenses are available as of right; application for cancellation of entry in the register that licenses are available as of right; request for extension of time limit prior to expiry date thereof; request for hearing; transmittal fee for international application; preparation of copies of international application per page; special fee referred to in Section 25(2) and (3).

<sup>2</sup> Fee reductions are available in Mexico with respect to the following types of fees: patent application fee; fee for application entry into the national phase, according to PCT chapters I and II; fee for anticipated publication; fee for issuance of a patent title; fee for correction of mistakes incurred by the applicant maintenance fee; fee for a request of re-instatement of rights on a patent considered lapsed due to lack of timely payment of fees; fee concerning transformation of a patent application into a utility model application or industrial design application and vice versa; fee for reconsideration of a rejected patent application.

<sup>3</sup> Industries are considered micro or small where they have been granted that status by the Secretariat of Commerce and Industrial Promotion in accordance with general provisions. Those entitled to the 50% reduction are required to submit the following:

- I. A plain copy of the micro-industry certificate issued by the Secretariat of Commerce and Industrial Promotion;
- II. A plain copy of the Income Tax Declaration for the fiscal year immediately preceding that in which the fee payment was made, showing that it falls into one of the above categories;
- III. A written statement in which the person concerned or his legal representative declares on his honor that the payment falls into one of the above categories.

For the registration of a transfer of rights to a third party to be valid where none of the situations described in this provision obtains, that third party must pay the 50% balance of the fee, according to the Tariff, which has not been paid by the transferor. In addition the transferee must, as from the time of the transfer, pay the fees for the maintenance of his rights in the manner specified in the Second General Provision of the same Tariff.

<sup>4</sup> The Slovenian Intellectual Property Office is in favor of establishing a system of indirect fee reduction for nationals of developing or least developing countries and independent inventors and small enterprises, regardless of the nationality of the applicants. This means that, instead of having a system of direct reduction of fees directly exercised by the Office, there should be a separate system of subsidies, i.e. indirect reduction of fees offered to the relevant applicants. Thus, the fees charged by the Office should be set in the same amount for all applicants, what is in conformity with the principle of national treatment of both Paris Convention and TRIPS Agreement. However, certain applicants should be entitled to receive some subsidies for partial or full recovery of paid fees, possibly from a special and separately managed fund, either within the patent office(s), or somewhere else.

<sup>5</sup> It is anticipated that the patent schedule of fees will include the reductions of fees for the different categories.

[Annex II follows]

## ANNEX II

## FEE REDUCTIONS PROVIDED UNDER THE PATENT COOPERATION TREATY

	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
PCT	Natural person who is a national of and resides in a State whose <i>per capita</i> national income is below US\$3,000 (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997)	- Basic fee - Designation fee - Handling fee	75%	If there are several applicants, each applicant must satisfy the criteria	PCT Schedule of Fees

States having a per capita national income below US\$3,000 (the States the name of which are printed in *bold italics* are *PCT Contracting States*):

Afghanistan, *Albania*, Algeria, Angola, Argentina, *Armenia*, *Azerbaijan*, Bangladesh, *Belarus*, Belize, *Benin*, Bhutan, Bolivia, *Bosnia and Herzegovina*, Botswana, *Brazil*, *Bulgaria*, *Burkina Faso*, Burundi, Cambodia, *Cameroon*, Cape Verde, *Central African Republic*, *Chad*, Chile, *China*, Colombia, Comoros, *Congo*, Costa Rica (*PCT Contracting State as from August 3, 1999*), *Côte d'Ivoire*, *Croatia*, *Cuba*, *Czech Republic*, *Democratic People's Republic of Korea*, Democratic Republic of the Congo, Djibouti, Dominica (*PCT Contracting State as from August 7, 1999*), Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, *Estonia*, Ethiopia, Fiji, *Gabon*, *Gambia*, *Georgia*, *Ghana*, *Grenada*, Guatemala, *Guinea*, *Guinea-Bissau*, Guyana, Haiti, Honduras, *Hungary*, *India*, *Indonesia*, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, *Kazakhstan*, *Kenya*, Kiribati, *Kyrgyzstan*, Lao People's Democratic Republic, *Latvia*, Lebanon, *Lesotho*, *Liberia*, *Lithuania*, *Madagascar*, *Malawi*, Malaysia, Maldives, *Mali*, Marshall Islands, *Mauritania*, Mauritius, *Mexico*, Micronesia, *Mongolia*, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, *Niger*, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, *Poland*, *Republic of Moldova*, *Romania*, *Russian Federation*, Rwanda, Saint Kitts and Nevis, *Saint Lucia*, Saint Vincent and the Grenadines, Samoa, Sao Tomé and Príncipe, *Senegal*, *Sierra Leone*, *Slovakia*, Solomon Islands, Somalia, *South Africa*, *Sri Lanka*, *Sudan*, *Swaziland*, Syrian Arab Republic, *Tajikistan*, Thailand, *The former Yugoslav Republic of Macedonia*, *Togo*, Tonga, Tunisia, *Turkey*, *Turkmenistan*, Tuvalu, *Uganda*, *Ukraine*, United Republic of Tanzania (*PCT Contracting State as from September 14, 1999*), Uruguay, *Uzbekistan*, Vanuatu, Venezuela, *Viet Nam*, Yemen, *Yugoslavia*, Zambia, *Zimbabwe*.

[End of Annex II and of document]