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STANDING COMMITTEE ON THE LAW OF PATENTS

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INFORMATION CONCERNING FEE REDUCTIONS BY THE OFFICES

prepared by the International Bureau

Introduction

1. During the first session, first part of the Standing Committee on the Law of Patents (SCP), held in Geneva from June 15 to 19, 1998, the Standing Committee discussed, based on Part IV of document SCP/1/2, the issue of reduction of fees charged by patent offices which had initially been proposed by the Delegation of Sudan (document PLT/CE/V/4). The result of the discussion is summarized in the Report (document SCP/1/7, paragraph 80) as follows:

“The Chair concluded that this issue would properly be considered by the Assemblies of the Member States of WIPO, but that, prior to referring the issue to those Assemblies, the International Bureau would collect information on the current practices of countries and regional organizations in this area of fee reductions, that it would consult with the World Trade Organization on the TRIPS-consistency of the proposal, and that it would present that information to the next session of the Standing Committee.”

2. Pursuant to the above conclusion by the Standing Committee, on November 10, 1998, the International Bureau transmitted a Circular in order to collect information on the current practices of national and regional Offices with respect to fee reductions. Moreover, the International Bureau sent a letter, on November 10, 1998, to the World Trade Organization (WTO) to seek its views on the consistency of the fee reduction proposal with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). The present document contains information collected, and further steps proposed, by the International Bureau.

Current Practice of National and Regional Offices

3. Circular No. 6102 dated November 10, 1998, was sent to the Patent Offices of Member States of WIPO, Paris Union or the United Nations and/or Specialized Agencies, and regional patent Offices, namely, the African Regional Industrial Property Organization (ARIPO), the African Intellectual Property Organisation (OAPI), the Eurasian Patent Office (EAPO) and the European Patent Office (EPO). These Offices were requested to complete a questionnaire which included the following questions:

“Q1. Does the Office of your country/organization provide any fee reductions for certain classes of applicants with respect to patents?”

Yes / No (circle one)

If you circle “Yes”, please answer questions Q2 and Q3.

“Q2. Under what circumstances are fee reductions provided by your Office? When answering this question, please take into account the following aspects:

- types of fees (application fee, maintenance fee, etc.);
- beneficiary of the fee reduction (natural person, small enterprises, governmental research institution, etc.);
- amount of the reduction (50%, 70%, etc.);
- other conditions.

“Q3. Please indicate the legislation (Regulations, Instructions, Notice, etc.) which provides for the above fee reductions, and attach a copy of such legislation.”

4. Fifty-five national Offices and two regional Offices responded to the Circular. Twenty-nine national Offices and two regional Offices replied that they provide certain fee reductions for applications with respect to patents, and 26 national Offices replied that they do not provide any fee reductions. The responses received are summarized in Annex I.

A. Persons Entitled to Fee Reductions

5. Among the 31 Offices which indicated that they provided fee reductions, applicants and/or owners who are natural persons are entitled to certain fee reductions in eight Offices. A natural person who is an inventor is eligible for certain fee reductions in another eight of these Offices. Seven Offices provide fee reductions for small and medium enterprises, and eight Offices provide fee reductions for non-profit organizations or research institutions. Fee reductions based on the nationality of an applicant and/or owner are provided by seven Offices.

6. A certain number of Offices indicated that they provided fee reductions for an applicant and/or owner who does not have sufficient financial resources to pay fees (seven Offices). In some Offices, mainly of the CIS countries, certain fees are reduced for an applicant who is a

student, pensioner, invalid or war veteran (eight Offices). One Office replied that an applicant who files an application the evident purpose of which is the production of saving of energy is entitled to certain fee reductions. One Office responded that maintenance fees are reduced for an owner who offered a license, while another Office said that any owner who granted a license in the public interest (open license) enjoys reductions of annual fees.

B. Types of Fees Reduced

7. Most Offices indicated that they provide a reduction of application fees (30 Offices). In addition, many Offices provide for the reduction of annual fees or maintenance fees (28 Offices). However, the exact types of fees which could be reduced differ from one Office to another.

C. Amount of Reduction

8. The amount of reduction varies from 50% to 100%, depending on other conditions applicable to each Office.

Current Practice Under the Patent Cooperation Treaty (PCT)

9. The fee reductions provided under the PCT are summarized in Annex II. The Schedule of Fees under the PCT provides that the basic fee, the designation fee and the handling fee are reduced by 75% for international applications filed by any applicant who is a natural person and who is a national 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. The reduction of those fees is automatically available to any applicant so entitled on the basis of the indications of name, nationality and residence given in the request. The fee reduction is available even if one or more of the applicants are not from PCT Contracting States, provided that each of them satisfies the above-mentioned criteria and that at least one of them is a national or resident of a PCT Contracting State and thus is entitled to file an international application.

10. In addition, a reduction is similarly available for the transmittal fee charged by the International Bureau acting as a receiving Office. A reduction of the search fee charged by certain International Searching Authorities may be available to applicants from the States mentioned in the preceding paragraph and from certain developing countries and "countries in transition."

11. 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.

Consistency with the TRIPS Agreement

12. As requested by the Standing Committee, a letter was sent on November 10, 1998, by Mr. Shozo Uemura, Deputy Director General of WIPO, to Mr. Adrian Otten, Director, Intellectual Property and Investment Division, World Trade Organization. In that letter, the following two questions were presented:

“Question 1

Would a reduction of fees charged by the patent office of a WTO Member in favor of:

- (i) nationals of developing or least developed countries;
- (ii) independent inventors and small enterprises, regardless of the nationality of the applicants; or
- (iii) governmental research institutes in the country to which the patent office belongs;

comply with Article 4 of the TRIPS Agreement (most-favored-nation provision)?

“Question 2

The draft Patent Law Treaty (PLT), which is currently under consideration by WIPO, contains proposals for harmonizing patent formality requirements and procedures in respect of: (i) the accordal of a filing date to and the processing of such applications; (ii) the records of the patent offices, such as the recordal of licensing agreements, of changes of name, address or the person of a patent applicant or owner and of the correction of errors in the records; and (iii) extension of time limits, further processing or restoration of rights and addition and restoration of priority claim(s). Once the draft Patent Law Treaty is concluded, would it fall within the scope of “multilateral agreements concluded under the auspices of WIPO relating to the acquisition or maintenance of intellectual property rights,” for the benefit of the exclusion under Article 5 of the TRIPS Agreement?”

13. WIPO has, to date, received two responses to this letter. One is dated December 16, 1998, and the other March 1, 1999, indicating that the questions were considered at informal meetings of the Council for TRIPS on December 1, 1998, and February 16, 1999. The most recent letter noted that a number of Members of the Council indicated that they needed more time to study the matter, both in terms of substance of the questions put and the appropriate role of the Council for TRIPS in this connection. It also indicated that the members of the Council will deal with this issue at their next informal meeting, scheduled for April 21, 1999.

14. It should be noted that the International Bureau of WIPO itself does not have the mandate or authority to offer interpretations of provisions of the TRIPS Agreement to its Member States.

Possible Further Action

15. Subject to further consideration with respect to consistency with the TRIPS Agreement, one approach could be, if the Standing Committee so decides, to refer the issue with a recommendation to the General Assembly of WIPO, the Assembly of the Paris Union, or to both jointly. In order for any such recommendation to have the widest possible coverage, it should also mention intergovernmental organizations having competence in the area of patents.

16. Two possible draft recommendations are presented below for purposes of discussion by the Standing Committee:

[Alternative A]

“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 [application fees] [maintenance fees] [annual fees] to be paid to the Office of those States and organizations be reduced by [50%] [75%] for any applicant or owner of a patent, who is a natural person and who is a national 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).”

[Alternative B]

“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 [application fees] [maintenance fees] [annual fees] to be paid to the Office of those States and organizations be reduced by [50%] [75%] for any applicant or owner of a patent, who is:

- (i) a natural person and an inventor;
- [(ii) a natural person;]
- [(iii) a small business;]
- [(iv) a non-profit organization or a research institution.]

17. As can be seen, Alternative A follows the proposal initially submitted by the Delegation of Sudan and the present PCT practice. Alternative B follows the practice of a number of Offices, as reflected in the responses to the questionnaire outlined above.

[Annexes follow]

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

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%		

SCP/2/6
Annex I, page 2

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Brazil	<ul style="list-style-type: none"> - 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.)	60%		Resolution of INPI No. 052/97 (May 12, 1997)
Bulgaria	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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 th session of the Administrative Council of OAPI

SCP/2/6
Annex I, page 4

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	- Natural person - Small entities employing less than 25 persons	- Fee on request of grant of patent - Fee on amendment of application - Annual Fee, etc. ¹	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%		
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 195bis

SCP/2/6
Annex I, page 5

	Japanese administrative authorities	All fees	100%		Japanese Patent Law, Articles 107(2) and 195(4)
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State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
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	Natural person	All fees relating to inventions	60%		Regulations on State Fees for the Protection of Industrial Property, No. 309, Article 5
	- Pensioner - Student		80%		
Mexico	- Natural person - Small enterprise - Institution for high education - Public research institution	- Application fee - Publication fee - Maintenance fee, etc. ²	50%	Institution is required to present back-up information	Decision by the Mexican Industrial Property Institute, 4th General Provision. Published on the Official Journal of the Federation, August 23, 1995

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Panama	Inventor only	- Application fee - Maintenance fee - Administration fees	90%	-Applicable only where the applicant cannot afford to pay for the fees -A sworn declaration to this effect is needed - However, all fees must be paid when patent rights or a patent application are transferred to a solvent right-owner	Article 215 of Law No. 35, issued on May 10, 1996
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		

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
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
Republic of Macedonia	<ul style="list-style-type: none"> - Pensioner - Invalid - Pupil and student - Self-reliant artist - Soldier 	<ul style="list-style-type: none"> - Application fee - Maintenance fee - Fee for the request for termination of patent band proposal doe declaring invalidity of the decision for recognition; - Fee for the objection to the decision for recognition of the right - Fee for the request for earlier publication - Fee for the request to accelerate the procedure of application in case of conflict 	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

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Russian Federation	War-veteran 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	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
	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%		

SCP/2/6
Annex I, page 10

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Russian Federation	Government-owned company or institution	<ul style="list-style-type: none"> - 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
	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

SCP/2/6
Annex I, page 11

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 4th 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

<ul style="list-style-type: none">- Persons disabled owing to labor mutilation or professional disease- Pupils and students	<ul style="list-style-type: none">- Application fee- Examination fee- Maintenance fee for the third to five years	50%	
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State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
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: - non-profitable (institutes, non-commercial organizations) - financed at the expense of the State budget	Fees for application, protection document grant and its maintenance in force	50%		
	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%		

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
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
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"> - Filing of Eurasian application - Substantive examination - Grant of Eurasian patent - Filing of oppositions against decisions of the Office, except for filing an opposition in accordance with Rule 53(5) - Extension and restoration of missed time limits 	80%	<ul style="list-style-type: none"> - If there are several applicants, the fee reduction applies where all the applicants comply with the requirement. - 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 	<ul style="list-style-type: none"> - Patent Regulations under the Eurasian Patent Convention, Rule 40(4) - Statute of fees charged by the Eurasian Patent Organization, approved by the Administrative Council on November 25-26, 1997

State/ Organization	Applicant/Owner Who is Entitled to Fee Reductions	Types of Fees	Amount of Reduction	Notes	Legislation
Eurasian Patent Office	Applicants from countries party to the Eurasian Patent Convention	All procedural fees	90%		
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 - Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and of members of the CIS	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, Slovenia³, Swaziland⁴, Sweden, Switzerland, Trinidad and Tobago, Turkey, Venezuela

¹ 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).

² 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.

³ 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.

⁴ 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, ***Côte d'Ivoire***, ***Croatia***, ***Cuba***, ***Czech Republic***, ***Democratic People's Republic of Korea***, Democratic Republic of the Congo, Djibouti, Dominica, 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 (***PCT Contracting State as from March 16, 1999***), ***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, Uruguay, ***Uzbekistan***, Vanuatu, Venezuela, ***Viet Nam***, Yemen, Yugoslavia, Zambia, ***Zimbabwe***.

[End of Annex II and of document]