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NEWSLETTER

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EPO News: Excess Page Fee

The EPO has recently announced its intention to impose charges for each page in a patent application in excess of the 35th page. The excess page fee will be € 12 (~ US\$ 15) for each excess page. The excess page fee will come into effect on 1 April 2009. In case of lengthy applications, thought should be given to filing them ahead of this date.

The coming into force of this new access page fee will coincide with the increase of the fee for access claims above 50 pages (as we have advised in a newsletter earlier this year, the EPO imposed a charge of €200 on any access claim beyond 15; as of April 1, 2009, the access fee on any claim above 50 will be increased from €200 to €500).

Generally, there is a heavy price to pay for lengthy specifications and claim sets with many claims. More and more patent offices impose page- or claim-related fees. Also, a lengthy specification may result in heavy translation costs in non-English speaking countries, such as Japan, China and Korea. It is our general recommendation and our standard practice to limit the length of the specification and the number of claims, insofar as possible, by keeping the background short and the description and claims concise. While in some cases, the subject matter necessitates length; in most other cases it is possible to define the invention in a clear and concise manner, thereby reducing costs down the road.

One should remember that filing fees may have a strategic meaning since in can affect the ability to file and obtain patent protection. Thus, this factor should be taken into consideration also in the manner in which the patent specification is written and in the drafting of the claims.

Author:

Dr. Ilan Cohn

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Reinhold Cohn & Partners

26A Habarzel St., Tel-Aviv 69710, Israel
P.O.B. 13239, Tel-Aviv 61131, Israel
Tel. +972 3 7109333 Fax. +972 3 5606405
info@rcip.co.il, www.rcip.co.il