

FOI Release
Information released under the Freedom of Information Act

Title: Patent fees

Date of release: 9 April 2013

Information request

I would like to receive the following information for the years 1991, 1996, 2001, 2006 and 2011:

1. Estimated patent costs (fees) including the cases of reduced fees for SMEs.
2. The average number of claims.
3. The timing of fees (including any differences for SMEs) and grants for SMEs or small entities offered.
4. The total number of examiners at the patent office.
5. The processing time and pendencies, i.e. the duration of a process in the patent procedure, e.g. search, examination, grant, and possible opposition.

Information released

1. Estimated patent costs (fees) including the cases of reduced fees for SMEs.

| Year | Application fee £s | Search Fee £s | Examination fee £s |
|--------------|--|--|--|
| January 1991 | 15 | 105 | 120 |
| August 1991 | 15 | 120 | 130 |
| 1996 | 25 | 130 | 130 |
| 2001 | 0 | 130 | 70 |
| 2006 | 0 | 130 | 70 |
| 2011 | 30 (paper) 20 (electronically filed) | 150(paper) 130 (electronically filed) | 150(paper) 130 (electronically filed) |

| Year | 4th | 5th | 6th | 7th | 8th | 9th | 10th | 11th | 12th | 13th | 14th | 15th | 16th | 17th | 18th | 19th | extension fee per month (up to 6 months) |
|----------|-----|-----|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|--|
| Jan 1991 | 94 | 100 | 108 | 120 | 130 | 142 | 158 | 172 | 194 | 214 | 238 | 262 | 286 | 308 | 342 | 378 | 20 |
| Aug 1991 | 102 | 108 | 118 | 130 | 140 | 154 | 170 | 186 | 208 | 230 | 256 | 282 | 308 | 332 | 368 | 406 | 22 |
| 1996 | 110 | 120 | 130 | 140 | 150 | 170 | 190 | 210 | 230 | 260 | 280 | 310 | 340 | 370 | 410 | 450 | 24 |
| 2001 | 50 | 70 | 90 | 110 | 130 | 150 | 170 | 190 | 210 | 230 | 250 | 270 | 300 | 330 | 360 | 400 | 24 |
| 2011 | 70 | 90 | 110 | 130 | 150 | 170 | 190 | 210 | 250 | 290 | 350 | 410 | 460 | 510 | 560 | 600 | 24 |

We don't offer reduced fees for SMEs. The only reduction we offer is for patent applications which are filed electronically and this reduction was introduced in October 2009.

2. The average number of claims.

We don't keep statistics on the average number of claims received on patent applications.

3. The timing of fees (including any differences for SMEs) and grants for SMEs or small entities offered.

These are the standard times for the payment of fees for a patent application and do not relate specifically to each of the years requested.

Application fees can be paid:

- (a) at the time of filing the application or
- (b) within 12 months of the priority date, if the application includes a declaration of priority from an earlier patent application or
- (c) within 12 months of the filing date if there is no declaration of priority.

These timescales may be extended if certain conditions are met.

Search fees must be paid usually within 12 months of the priority date if there is one or if there is no priority declaration within 12 months of the filing date. Again this is extendable.

Examination fees are required 6 months after the Intellectual Property Office has published the patent application which usually takes place 18 months after the priority date if there is one or if there is no priority declaration within 18 months of the filing date. This means examination fees are usually due around 24 months after the filing of the application.

Once the patent is granted, annual renewal fees must be paid from the 4th anniversary of the filing date of the application in order to maintain the granted patent. A patent can be renewed for a period of up to 20 years from the date of filing.

4. The total number of patent examiners.

Please see the attached Excel spreadsheet. There are three grades of patent examiners: essentially at trainee (B2), experienced (C1) and senior (C2) levels. The figures given are for actual employee numbers, some of which work on a part-time basis.

5. The processing time and pendencies, i.e. the duration of a process in the patent procedure, e.g. search, examination, grant, and possible opposition.

The standard processing target times for patent applications are as follows. We do not hold separate information on the actual processing times for each of the years requested.

The office aims to complete a search within 4 months of receipt of the search request (and payment of the search fee).

The application will be published around 18 months from the priority date of the application if there is one or if there is no priority declaration around 18 months of the filing date.

Examination of the application will usually take place between 36 and 42 months after the priority date of the application where there is one or where there is no priority declaration between 36 and 42 months from the filing date. Where the examination is performed before 42 months the compliance date for the application (i.e. the date by which the application must be in order for grant) will be four years and 6 months from the priority date or if there is no priority declaration then four years and 6 months from the filing date. Where the first examination report from the office is issued after 42 months from the priority of filing date the compliance date will expire 12 months from the date at which this first report is issued. The compliance date may be extended if certain conditions are met.

It is possible for customers to request acceleration of these timescales and this can get an application to grant within 9 months of filing. Further details on these acceleration services can be found on the IPO website at www.ipo.gov.uk/p-fastgrantguide.pdf.

There is no opposition period under UK Patent law.

| | |
|-------------------------------------|--|
| Patent Examiner Numbers 1991 - 2011 | |
| | |

| | |
|----------------------------------|-------|
| Mar-11 | |
| Headcount | |
| Grade | Total |
| Span B2 Patent Examiner.National | 40 |
| Span C1 Patent Examiner.National | 45 |
| Span C2 Patent Examiner.National | 145 |
| Grand Total | 230 |
| | |
| Mar-06 | |
| Headcount | |
| Grade | Total |
| Span B2 Patent Examiner.National | 17 |
| Span C1 Patent Examiner.National | 108 |
| Span C2 Patent Examiner.National | 93 |
| Grand Total | 218 |
| | |
| Mar-01 | |
| Headcount | |
| Grade | Total |
| Span B2 Patent Examiner.National | 73 |
| Span C1 Patent Examiner.National | 36 |
| Span C2 Patent Examiner.National | 48 |
| Span D1 Patent Examiner.National | 1 |
| Grand Total | 158 |
| | |
| Mar-96 | |
| Headcount | |
| Grade | Total |

| | |
|--------------------------------------|-------|
| Examiner (Patents Office).All | 30 |
| Principal Patent Examiner.National | 7 |
| Senior Examiner (Patents Office).All | 32 |
| Grand Total | 69 |
| | |
| Mar-91 | |
| Headcount | |
| Grade | Total |
| Examiner (Patents Office).All | 17 |
| Principal Patent Examiner.National | 3 |
| Senior Examiner (Patents Office).All | 31 |
| Grand Total | 51 |