

## The cost of a sample European patent - new estimates

### 1. Background

The cost of obtaining a European Patent via a Euro-direct application and maintaining the patent for a 10 year term is around 32 000 Euro.

The cost of a Euro-PCT (Patent convention treaty – subsequent applications outside Europe) patent is about 50% higher than those of a patent obtained via a Euro-direct application. In fact, all cost components are higher in the Euro-PCT patent due to the (typically) higher number of pages and larger number of countries of validation:

- Euro-direct: 18 pages (11 pages description, 3 pages claims, 4 pages drawings), 10 claims, patent validated in 6 countries (DE, UK, FR, IT, ES, CH)
- Euro-PCT: 26 pages (18 pages description, 5 pages claims, 3 pages drawings), 15 claims, patent validated in 8 countries (DE, UK, FR, IT, ES, CH, NL, AT)

In addition to costs associated with payments to external parties, the patentee might also incur in-house costs, with estimates ranging from EUR 6 000 for a Euro-direct to EUR 10 500 for a Euro-PCT patent.

While the figures are not meant to serve as an operational tool for giving a potential applicant an orientation for his choices, they are informative enough to provide a newcomer to the procedure before the EPO with an estimate of the cost incurred by filing a European patent application. In view of the various cost factors involved - technology fields, application routes, the patentee's strategies etc. - a single figure can hardly give a binding estimate of the expected cost of a particular patent application. For instance, according to the survey, costs may differ by more than 100% between the electronic engineering and biotechnology areas.

## 2. Detailed results and methodology

**Table 1: The cost of a sample European patent - Breakdown of estimates into detailed cost categories (EUR)**

<b>Cost category</b>	<b>Euro-direct</b>	<b>Euro-PCT</b>
<b>In-house cost to the applicant</b>	<b>5.950</b>	<b>10.450</b>
pre-filing	2.700	4.450
processing	3.250	6.000
<b>Professional representation before the EPO</b>	<b>9.630</b>	<b>12.150</b>
pre-filing	3.900	5.200
processing	5.200	6.100
translation (claims only)	530	850
<b>EPO fees and international fees (PCT)</b>	<b>4.400</b>	<b>6.300</b>
<b>Translation and related cost</b>	<b>6.650</b>	<b>12.100</b>
translation	3.400	7.400
attorney: validation	2.850	4.000
publication fees	400	700
<b>Renewal fees (paid to national offices) and related cost</b>	<b>10.900</b>	<b>16.000</b>
renewal fees (years 5 - 10)	5.600	9.200
attorney: payment of renewal fees	5.300	6.800
<b>Total, excluding in-house cost</b>	<b>~ 31.600</b>	<b>~ 46.550</b>
<b>Total, including in-house cost</b>	<b>~ 37.500</b>	<b>~ 57.000</b>

All estimates are based on the following assumptions and sources:

## **1) Euro-direct patents**

### **In-house cost to the applicant**

- In-house cost for pre-filing and processing of EUR 2 700 and EUR 3 250 (RB applicants' survey) are equivalent to roughly 10 and 13 hours of work at EUR 250 each.

### **Professional representation before the EPO**

- Following the RB applicants' survey, attorney cost for pre-filing and processing can be put at EUR 3 900 and EUR 5 200. These have been confirmed both by the RB survey of applicants and by informal consultation of the EPO with attorneys: They are equivalent to a EUR 500 upfront fee plus some 14 and 20 hours of work at EUR 250 each.
- "Translation" here concerns only the translation of claims in the two other official languages of EPO. The figure has been put at EUR 530, corresponding to translation of 3 pages in two languages (price per page by RB).

### **EPO fees**

- EPO procedural fees are in the order of EUR 4 400. This corresponds to all fees incurred by a standard application, including two years of renewal fees during the procedure.

### **Validation cost**

- Translation: EUR 3 400. Translation of 11 pages of description in all relevant languages (except procedural language), plus 3 pages of claims if necessary (in other words not de, en, fr). This estimate takes account of the fact that in Switzerland the translation for either Germany, France or Italy can be re-used. According to RB, translation costs per page are language specific, and vary between 56 and 83 Euro, whereas professional translators charge less for translation work than attorneys. We assume an average price (half of the translations are done by attorneys and half by translators).
- Attorney: EUR 2 850. The amount given is a weighted sum of the attorneys' charges for filing the translation in DE, UK, FR, IT, ES, CH (RB). The weights correspond to the languages of proceedings (see publication fee).
- Publication fee: 400 EUR. This fee concerns the publication of the translation of the patent in the validated states. It is accounted for that in case of English as procedural language, no validation is required in the UK (German: DE and CH, French: FR and CH). The procedural language of 65% of applications is English, of 30% German and of 5% French, respectively. The amount is the weighted sum of validation fees for DE, UK, FR, IT, ES, CH.

### **Renewal fees and related costs (national phase)**

- Renewal fees: EUR 5 600. Based on national renewal fees in 2005 according to national law, calculated for the 6 most frequently designated countries (DE, UK, FR, IT, ES, CH), for maintenance of the patent from the 5th to 10th year.
- Attorney costs: EUR 5 300, based on RB's attorneys' survey, calculated for the 6 most frequently designated countries (DE, UK, FR, IT, ES, CH), for maintenance of the patent from the 5th to the 10th year.

### **2) Euro-PCT patents**

EUR 4 450 for in-house costs and EUR 5 200 for attorney fees for pre-filing are taken from RB's survey of applicants. They are much higher than for Euro-direct, most likely due to the fact that Euro-PCT applications are larger than Euro-direct applications. Furthermore, they are filed world-wide and their preparation might necessitate more work than Euro-direct.

EUR 6 000 for in-house processing costs and EUR 6 100 for attorney fees are taken from RB's survey of applicants.

With EUR 850 the translation costs for claims are higher than in Euro-direct patents due to greater number of claims (5 pages of claims instead of 3).

The procedural fees before the EPO of EUR 6 300 also include PCT fees for the international phase.

Validation: Costs of validation for Euro-PCT patents are higher than for Euro-direct patents, notably translation costs, due to the higher number of pages and to the greater number of designated countries (8). In addition to DE, FR, UK, IT, ES, CH, Euro-PCT patents are also validated in NL and AT.

National phase: Cost for Euro-PCT patents are higher than for Euro-direct due to the larger number of countries where they are maintained.