

Information on Annual and Renewal Fees as of September 1st, 2017

Annual fees are paid for national and European patents, utility models and protection certificates (an annual payment must be made here for the maintenance of trademarks). Renewal fees, on the other hand, are to be paid at certain intervals for trademarks (every ten years) and designs (every five years).

Information on payment: Our **bank information:**

Account owner: Österreichisches Patentamt (Dresdner Straße 87, A – 1200 Vienna)
BIC/SWIFT: BUNDATWW
IBAN: AT75 0100 0000 0516 0000

Payments may only be made by **bank transfer or direct deposit** into the account of the Austrian Patent Office (transfer fees to be paid by the depositor).

The payment is considered to be timely if the payment is posted to the account of the Austrian Patent Office by the due date at the latest, i.e. the credit note's rate of exchange is effective. We therefore recommend that you make transfers at least 1 week (for international transfers, at least 2 weeks) before the payment is due.

The payment of annual and renewal fees may be made by anyone who has an interest in the maintenance of the protected right.

When paying, you absolutely must indicate the **registration number along with the type of protected right and the note "Annual Fee" or "Renewal Fee"** as the intended use on the transfer or deposit voucher. Otherwise, the protected right could lapse in spite of payment of the fee.

Examples:

<i>Trademark No.</i>	<i>123456</i>	<i>Renewal Fee</i>
<i>Patent No.</i>	<i>E 123456</i>	<i>Annual Fee</i>

If you wish to pay several annual or renewal fees for one type of protected right, then you may also send or fax payment lists to the Fees Controller's Office of the Austrian Patent Office. We also read and process mailed lists (see letter head); for these, we prefer working with an Excel table.

You can also query annual or renewal fees for a special protected right with the search tool see.ip:
<http://see-ip.patentamt.at>

To query the protected right, please enter your number in the appropriate field (Attention: Please do not use any empty spaces or special symbols).

Now you will see the protected right with all the information you need in order to extend your protected right: Next due date and amount. Please note, that you can't query annual fees for Supplementary Protection Certificates.

TIP: This tool can also be used to verify payments already made – here you will see (with respect to the protected rights) the new due date, i.e. whether the renewal or annual fees were paid in correctly for the current year.

NATIONAL AND EUROPEAN PATENT

The annual fees for patents must be transferred or deposited within three months before the due date. The annual fees may also be paid up to a maximum of six months after the due date. Payments made after the due date must include the annual fee plus a 20% surcharge (please observe the section "Paying on Time" - see Page 1). If the annual fee has not been paid by this time, the patent expires.

National patents that were issued before July 1, 2005 and patent applications for which the publication decision was announced before July 1, 2005

The annual fees must be paid **beginning with the date of publication of the application in the Patent Gazette** from year to year in advance.

The **due date** for the annual fee is determined by the **date of publication**.

Example: The application was published on April 15, 2001 (publications always take place on the 15th of each month). The 1st annual fee is due on April 15, 2001, and the subsequent annual fees on 15th of April of each following year.

National patents granted after July 1, 2005

The annual fees must be paid after the patent is granted **beginning with the sixth year** (calculated from the last day of the application month) from year to year in advance. The **due date** for annual fees is determined by the **application date of the patent**. The annual fees are due each year on the last day of the application month.

Example: The application for the patent was submitted on January 17, 2003 and granted on July 2, 2009. The due date for the payment of the annual fee is January 31. The first annual fee payment is due in the Austrian Patent Office on January 31, 2010 (subsequent annual fees are each due on January 31 of the following years). It is the 8th annual fee that must be paid.

If the application process lasts longer, then only those annual fees for the years following the granting of the patent must be paid.

Example: The application for the patent was submitted on January 17, 2007 and granted on September 16, 2009. The due date for the payment of the annual fee is January 31. The first annual fee payment is due in the Austrian Patent Office on January 31, 2012 (subsequent annual fees are each due on January 31 of the following years). It is the 6th annual fee that must be paid.

Special cases: The **first annual fee** that must be paid to the Patent Office can be paid up to a **maximum of 6 months after the due date without a 20% surcharge for payments made after the due date**. Attention: **Failure to observe the deadline causes the patent to expire**.

The annual fee for an additional patent must be paid on the next due date (last day of the application month) after the patent was granted, to the amount of EUR 386,00. It is due once for the whole period of validity. An additional patent expires with the parent patent.

European Patents

The anniversary date, the due date and the amount of the annual fee for all European patents are calculated based on the same principles as for national patents granted after July 1, 2005 (see above).

Special Cases: The first annual fee that must be paid to the Austrian Patent Office can be paid up to a maximum of 3 months after the due date without a 20% surcharge for payments made after the due date. After this, the first annual fee that must be paid to the Patent Office can be paid up to a maximum of another 9 months after that (i.e. up to a maximum of 12 months after the due date) including a 20% surcharge for payments made after the due date. Attention: Failure to observe the deadline causes the patent to expire.

NATIONAL AND EUROPEAN PATENT, Fees in Euro			
Year	Basic Fee	Surcharge	with Surcharge
2.	0,00	0,00	0,00
3.	0,00	0,00	0,00
4.	0,00	0,00	0,00
5.	0,00	0,00	0,00
6.	104,00	20,80	124,80
7.	208,00	41,60	249,60
8.	313,00	62,60	375,60
9.	417,00	83,40	500,40
10.	522,00	104,40	626,40
11.	626,00	125,20	751,20
12.	731,00	146,20	877,20
13.	835,00	167,00	1.002,00
14.	940,00	188,00	1.128,00
15.	1.044,00	208,00	1.252,80
16.	1.148,00	229,60	1.377,60
17.	1.253,00	250,60	1.503,60
18.	1.357,00	271,40	1.628,40
19.	1.566,00	313,20	1.879,20
20.	1.775,00	355,00	2.130,00

SUPPLEMENTARY PROTECTION CERTIFICATE, Fees in Euro			
Year	Basic Fee	Surcharge	with Surcharge
1.	2.611,00	522,20	3.133,20
2.	3.029,00	605,80	3.634,80
3.	3.448,00	689,60	4.137,60
4.	3.864,00	772,80	4.636,80
5.	4.282,00	856,40	5.138,40
Begin 6.	3.029,00	605,80	3.634,80

UTILITY MODEL

The annual fees for utility models must be transferred or deposited within three months before the due date. The annual fees may also be paid up to a maximum of six months after the due date. Payments made after the due date must include the annual fee plus a 20% surcharge (please observe the section "Paying on Time" - see Page 1). If the annual fee has not been paid by this time, the utility model expires.

The annual fees must be paid **after registration beginning with the second year** (calculated from the last day of the application month) from year to year in advance.

The **due date for annual fees is determined by the application date of the utility model**. The annual fees are due each year on the last day of the application month.

Example: The application for the utility model was submitted on January 17, 2005 and registered on July 15, 2005. The due date for the payment of the annual fee is January 31. The first annual fee payment is due in the Austrian Patent Office on January 31, 2006 (subsequent annual fees are each due on January 31 of the following years). It is the 2nd annual fee that must be paid.

If the application process lasts longer, then only those annual fees for the years following the granting must be paid.

Example: The application for the utility model was submitted on July 14, 2004 and registered on September 15, 2005. The due date for the payment of the annual fee is July 31. The first annual fee payment is due in the Austrian Patent Office on July 31, 2006 (subsequent annual fees are each due on July 31 of the following years). It is the 3rd annual fee that must be paid.

Special cases:

The **first annual fee that must be paid to the Patent Office** can be paid up to a maximum of 6 months after the due date without a 20% surcharge for payments made after the due date. **Attention:** Failure to observe the deadline causes the utility model to expire.

Instead of the annual fee, flat fees for the 4th – 6th year and for the 7th – 10th year can be paid. The due date for the payment of flat fees corresponds to the due date for the fourth or seventh annual fee.

UTILITY MODEL, Fees in Euro			
Year	Basic Fee	Surcharge	with Surcharge
2.	0,00	0,00	0,00
3.	0,00	0,00	0,00
4.	52,00	0,00	52,00
5.	104,00	20,80	124,80
6.	261,00	52,20	313,20
7.	313,00	62,60	375,60
8.	365,00	73,00	438,00
9.	417,00	83,40	500,40
10.	470,00	94,00	564,00
Flat Annual Fee	Basic Fee	Surcharge	with Surcharge
4.-6. Year	376,00		
7.-10. Year	1.410,00	282,00	1.692,00

TRADEMARK

In order to guarantee protection for your trademark, a renewal fee must be paid every 10 years. This extension of protection is not limited, i.e. you may prolong protection for the trademark as often as you need this trademark protection.

The renewal fees may be paid at the earliest 1 year before the due date, and at the latest 6 months after this date. Any payment made after the due date involves a 20% surcharge on top of the renewal fee.

Since this renewal fee is due after a very long period of time, the Austrian Patent Office will send out a reminder to the registered owner or his/her representative (except for Austrian patent attorneys) about 3 months before the due date. This reminder is sent automatically, i.e. we cannot resend it with new data. Therefore please take care that your representative is still listed correctly or that the address or mailing address of the trademark owner is correct (always notify the Austrian Patent Office in case of any change – there is sometimes a fee connected with this!). However, you do not have any legal claim based on the reminder, i.e. you cannot claim that you did not receive a reminder and therefore the trademark is no longer in effect.

Due Date and Fee Amount:

1. **For trademarks registered prior to 1 September 2018** the current 10 year period of protection ends on the last day of the month in which the trademark was registered and the renewal fee falls due on this day (due date).

Example The trademark was registered on 4 August 2008. The due date is thus 31 August 2018 and the first opportunity for payment of the renewal fee is 1 September 2017.

Whether the due date too is before or on/after 1 September 2018 determines the amount of the renewal fee.

- a) Should the due date be prior to 1 September 2018 the following fee amounts obtain:

RENEWAL FEES, Fees in EUR	Basic Fee	incl. Surcharge
1st Renewal Fee (11th-20th year)		
Individual Mark	678,00	813,60
Collective Mark	2.715,00	3.258,00
2nd Renewal Fee (21st-30th year)		
Individual Mark	783,00	939,60
Collective Mark	3.133,00	3.759,60
3rd and subs. Renewal Fee (as of 31st year)		
Individual Mark	887,00	1.064,40
Collective Mark	3.551,00	4.261,20

- b) Due to changes necessitated by Union law implementation the method of calculating the duration of protection is different should the due date be on or after 1 September 2018. Protection periods prolonged after 1 September 2018 are now no longer calculated starting on the last day of the month of registration but rather on the trademark's application date. This leads to a once-only curtailment of the protection period. Said curtailment will be greater the more time has elapsed between the trademark's application and its registration.

Example: a trademark is applied for on 15 December 2007 and registered on 1 October 2008. Its protection period ends on 31 October 2018, i.e. it has a due date after 1 September 2018! Its next protection period is of shorter duration, it does not end on 31 October 2028 but rather on 15 December 2027. Subsequent protection periods however once again last 10 years and end on 15 December, respectively.

The Renewal Fees amount to:

RENEWAL FEE, Fees in EUR	Basic Fee	incl. Surcharge
Individual Mark	700,00	840,00
Collective Mark	1.300,00	1.560,00
Certification Mark	1.300,00	1.560,00

The renewal fee need not be paid in full should the protection period be curtailed by more than 1 year.

Individual Mark:

INDIVIDUAL MARK, Fees in EUR	Basic Fee	incl. Surcharge
Duration of Protection < 9 Years	630,00	756,00
Duration of Protection < 8 Years	560,00	672,00
Duration of Protection < 7 Years	490,00	588,00
Duration of Protection < 6 Years	420,00	504,00
Duration of Protection < 5 Years	350,00	420,00
Duration of Protection < 4 Years	280,00	336,00
Duration of Protection < 3 Years	210,00	252,00
Duration of Protection < 2 Years	140,00	168,00
Duration of Protection < 1 Year	70,00	84,00

Collective Marks:

COLLECTIVE MARKS, Fees in EUR	Basic Fee	incl. Surcharge
Duration of Protection < 9 Years	1.170,00	1.404,00
Duration of Protection < 8 Years	1.040,00	1.248,00
Duration of Protection < 7 Years	910,00	1092,00
Duration of Protection < 6 Years	780,00	936,00
Duration of Protection < 5 Years	650,00	780,00
Duration of Protection < 4 Years	520,00	624,00
Duration of Protection < 3 Years	390,00	468,00
Duration of Protection < 2 Years	260,00	312,00
Duration of Protection < 1 Year	130,00	156,00

2. **For trademarks registered after 1 September 2018 (or already prolonged after this date)** the term of protection ends 10 years after the application date (= due date).

Example: A trademark is applied for on 23 July 2018 and registered on 4 September 2018. The period of protection ends on 23 July 2028.

The Renewal Fees amount to:

RENEWAL FEE, Fees in EUR	Basic Fee	incl. Surcharge
Individual Mark	700,00	840,00
Collective Mark	1.300,00	1.560,00
Certification Mark	1.300,00	1.560,00

DESIGN

To maintain protection for a design, a renewal fee must be paid every 5 years. The protection may be extended **four times** (the maximum duration of protection is 25 years).

The renewal fees for patterns must be transferred or deposited within one year before the due date.

The renewal fees may also be paid up to a maximum of six months after the due date. Payments made after the due date must include the annual fee plus a 20% additional charge (please observe the section "Paying on Time" - see Page 1). If the annual fee has not been paid by this time, the design expires.

The due date for renewal fees is determined by the **application date of the design**. The due date is the last day of the application month.

*Example: The application for the design was submitted on March 17, 2005.
The first renewal fee is due on March 31, 2010, the second renewal fee on March 31, 2015.*

Special cases:

To extend protection for designs from a multiple filing of design applications, the renewal fee must be paid **for each** individual design.

The collected designs of a multiple filing of design applications are legally independent of each other once they are registered. This means that you can also choose to extend individually selected designs from the application. When paying the renewal fees, the numbers of the design for which the duration of protection is to be extended must be indicated. The renewal fees must be paid according to the number of designs for which protection is to be extended.

DESIGN, Fees in Euro			
	Basic Fee	Surcharge	with Surcharge
Single Design	130,00	26,00	156,00
Multiple Design, per Design	88,00	17,00	105,00