

**FEDERAL PUBLIC SERVICE ECONOMY, S.M.E.s, SEF-EMPLOYED AND ENERGY
BELGIAN OFFICE FOR INTELLECTUAL PROPERTY (OPRI)**

**FEES IN RESPECT OF PATENTS AND SUPPLEMENTARY PROTECTION CERTIFICATES:
TARIFFS, TERMS OF PAYMENT AND MODES OF PAYMENT**

1. PROCEDURAL FEES FOR BELGIAN PATENT APPLICATIONS

Filing fee	50 EUR
To be paid within 1 month of filing of the application at the latest (art. XI.16, §2 Code of Economic Law).	
Additional fee for late payment of filing fee	25 EUR
To be paid within 3 months from the invitation of the Office to pay the filing fee and the additional fee for late payment (art. 26, §2, RD 2/12/1986 ¹).	
Fee for correction or addition of a priority claim	50 EUR
To be paid at the moment the claim is filed (art. 4, §9, RD 2/12/1986).	
Fee for drawing up a search report	300 EUR
To be paid at the latest within 13 months after the date of filing of the patent application or, if a priority is claimed, after the earliest date priority, or if that deadline expires before the deadline for the payment of the filing fee, no later than the deadline for the payment of the filing fee (art. 21, RD 2/12/1986)	

2. PROCEDURAL FEES AND ANNUAL MAINTENANCE FEES FOR EUROPEAN PATENT APPLICATIONS

All procedural fees and annual maintenance fees for European patent applications must be paid directly to the European Patent Office. The Belgian Office for Intellectual Property DOES NOT collect such fees and DOES NOT pay them back to the European Patent Office. You can find further information on the payment of procedural fees and annual maintenance fees for European patent applications to the European Patent Office on the website of the European Patent Office : www.epo.org .

3. PROCEDURAL FEES FOR INTERNATIONAL PATENT APPLICATIONS (PCT)

The Belgian Office for Intellectual Property has not acted since 1 April 2018 as a receiving Office within the meaning of the PCT Treaty. Consequently, the Belgian Office does not collect procedural fees for international patent applications. These fees must be paid directly to the competent receiving Office.

You can find more information about the competent receiving Offices for the processing of international patent applications filed with the Belgian Office on the website of the World Intellectual Property Organization: www.wipo.int.

4. VALIDATION FEE FOR A EUROPEAN PATENT IN BELGIUM

Currently, there is no validation fee for a European patent in Belgium

¹ Royal decree of December 2nd, 1986 relating to the request, the delivery and the renewal of the patents

5. ANNUAL MAINTENANCE FEES FOR BELGIAN PATENTS (APPLICATIONS) AND EUROPEAN PATENTS VALIDATED IN BELGIUM²

3rd annuity	40 EUR	9th annuity	165 EUR	15th annuity	360 EUR
4th annuity	55 EUR	10th annuity	185 EUR	16th annuity	400 EUR
5th annuity	75 EUR	11th annuity	215 EUR	17th annuity	450 EUR
6th annuity	95 EUR	12th annuity	240 EUR	18th annuity	500 EUR
7th annuity	110 EUR	13th annuity	275 EUR	19th annuity	555 EUR
8th annuity	135 EUR	14th annuity	320 EUR	20th annuity	600 EUR

The payment of the renewal fees shall be due on the last day of the month containing the anniversary of the date of filing of the patent application. Renewal fees may not be validly paid more than six months before they fall due.

When the renewal fee has not been paid by its due date, it may still be paid, subject to an additional fee, within a period of grace of six months as from the due date of the renewal fee (art. XI.48, §1 Code of Economic Law).

Additional fee for late payment of the 3rd to the 10th annuity	85 EUR
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Additional fee for late payment of the 11th to the 20th annuity	230 EUR
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Failing payment of the renewal fee and the additional fee within the six-month period of grace, the owner of the patent application or of the patent shall automatically forfeit his rights. Forfeiture shall take effect on the due date of the unpaid renewal fee. The forfeiture shall be entered in the Belgian patent Register (art. XI.48, §2 Code of Economic Law).

The owner of a lapsed patent application or a lapsed patent may request re-establishment of his rights. Information on re-establishment procedures can be obtained from the OPRI.

For example : a patent application filed on 10 March 2018

- ⇒ the due date for the payment of the 3rd annuity is 31 March 2020 (and NOT 31 March 2021 !!)
- ⇒ the due date for the payment of the 3rd annuity with the additional fee of 75 EUR is 30 September 2020
- ⇒ the due date for the payment of the 4th annuity is 31 March 2021, etc.

6. ANNUAL MAINTENANCE FEES FOR EUROPEAN PATENTS WITH UNITARY EFFECT

All annual maintenance fees for European patents with unitary effect must be paid directly to the European Patent Office. The Belgian Intellectual Property Office does NOT collect such fees and does NOT remit them to the European Patent Office either.

You can find more information on the payment of annual maintenance fees for European patents with unitary effect at the European Patent Office on the website of the European Patent Office: www.epo.org

7. PROCEDURAL FEES FOR BELGIAN APPLICATIONS FOR A SUPPLEMENTARY PROTECTION CERTIFICATE (SPC) FOR MEDICINES OR PHYTOPHARMACEUTICAL PRODUCTS AND FOR EXTENSION REQUESTS OF THE SUPPLEMENTARY PROTECTION CERTIFICATE FOR MEDICINES**Filing fee for a supplementary protection certificate**

To be paid within 1 month of filing of the SPC application at the latest (art. XI.92, §3 Code of Economic Law).

200 EUR**Filing fee for an extension of the supplementary protection certificate for medicines**

To be paid within 1 month of filing of the extension application at the latest (art. XI.92, §3 Code of Economic Law)

200 EUR

² See annex to Royal decree of November 9th, 2015 on fees and surcharges for patents and supplementary protection certificates.

8. ANNUAL MAINTENANCE FEES FOR BELGIAN SPC (APPLICATIONS)³					
1st annuity	650 EUR	3rd annuity	750 EUR	5th annuity	850 EUR
2nd annuity	700 EUR	4th annuity	800 EUR		
<p>The payment of the renewal fees shall be due on the last day of the month in which the anniversary of the date of filing of the basic patent application of the SPC takes place. The first renewal fee of the SPC has to be paid after the expiration of the basic patent. Renewal fees cannot be paid more than six months before the due date.</p> <p>When the renewal fee has not been paid by its due date, it may still be paid with an additional fee, within a period of six months from the due date of the renewal fee (art. XI.48, §1er Code of Economic Law).</p>					
Additional fee for late payment of the 1st to the 5th annuity					250 EUR
<p>Failing payment of the renewal fee within the six-month period of grace, the owner of the SPC application or of the SPC shall automatically forfeit his rights. Forfeiture shall take effect on the due date of the unpaid renewal fee. The forfeiture shall be entered in the Belgian patent Register (art. XI.101, §4 Code of Economic Law).</p> <p>The owner of a lapsed SPC application or a lapsed SPC may request re-establishment of his rights. Information on re-establishment procedures can be obtained from the OPRI.</p>					
<p>Example : a SPC application filed on 10 March 2003 with indication of a basic patent for 20 years filed on 20 September 1997</p> <ul style="list-style-type: none"> ⇒ the due date for the payment of the 1st annuity is 30 September 2017 (and NOT 30 September 2018 !!) ⇒ due date for the payment of the 1st annuity with the penalty fee of 250 EUR is 31 March 2018. ⇒ the due date for the payment of the 2nd annuity is 30 September 2018, etc. 					

9. RESTORATION FEE	
Restoration or reinstatement of the priority right	350 EUR
To be paid at the moment the request is filed (art. 4, §9, RD 2/12/1986)	
Restoration of a patent or SPC (application)	350 EUR
The request will be dealt with after payment of the request (art. XI.77 and XI.102 Code of Economic Law)	

10. OTHER FEES	
Regularization of a patent application	60 EUR
To be paid within 3 months from the date of notification by the Office of the irregularity of the application (art. 26, §1, RD 2/12/1986)	
Regularization of a supplementary protection certificate (SPC) application or of extension request of the SPC for medicines or phytopharmaceutical product⁴	60 EUR
To be paid within 2 months from the date of notification by the Office of the irregularity of the application (art. 2, §1, RD 4/09/2014)	
Correction of language or rewriting errors of a patent application (per correction request)	35 EUR
To be paid at the moment of the filing of the request for correction of language or rewriting errors (art. 27, RD 2/12/1986)	

³ See annex to Royal decree of November 9th, 2015 on fees and surcharges for patents and supplementary protection certificates.

⁴ Royal decree of January 05th, 1993 on application and grant of a supplementary protection certificate for medicines.

Royal decree of November 08th, 1998 on application and grant of a supplementary protection certificate for phytopharmaceutical product.

11. CONTACT DETAILS FOR A PAYMENT BY DEPOSIT OR TRANSFER TO THE BANK ACCOUNT OF THE OPRI	
IBAN code	BE61 6792 0058 8017
BIC code	PCHQBEBB
Financial institution	BPost SA, Centre Monnaie, B-1000 Brussels
Account holder	FPS ECONOMY, S.M.E.s, SELF-EMPLOYED AND ENERGY INTELLECTUAL PROPERTY OFFICE Rue du Progrès, 50 B-1210 Brussels BELGIUM Internet : economie.fgov.be/opri-die.htm e-mail : piie.accountancy@economie.fgov.be Fax : +32-(0)2-277 52 62 Tel : +32-(0)2-277 52 96
<p>When don't have a current account at the Intellectual Property Office, each renewal fee has to be paid separately. Each payment must include the data that allows the Intellectual Property Office to identify the payer and the subject of the payment :</p> <ul style="list-style-type: none"> - the Belgian patent application number or the European patent publication number; - which renewal fee (and if necessary mentioning the penalty fee); - the amount; - the name of a name of a patentee. 	
<p>The payment of a tax or a right is supposed to be carried out at the date of receipt of the payment order by the Intellectual property Office , or when the payment is done by debiting a deposit account opened with the Office or at the date on which it is recorded by bPost to the credit of the above-mentioned account of the Intellectual Property Office when the payment is done by a transfer or by an electronic means of payment (art. 6, RD 18/12/1986)⁵.</p>	
<p>The Belgian Patent Register can be consulted online via the webpage: http://bpp.economie.fgov.be/fo-eregister-view/</p>	

⁵ Royal decree of December 18th, 1986 on fees and surcharges for patents and supplementary protection certificates.