

STATUTE
on Fees of the Eurasian Patent Organization
for Legally Significant and Other Actions Performed in Relation to Eurasian
Design Applications and Eurasian Design Patents

ADOPTED

by the Administrative Council of the Eurasian Patent Organization at the thirty-seventh (10th extraordinary) session on April 12, 2021 with amendments and addenda adopted at the forty-first (29th ordinary) session on September 20–21, 2022

General Provisions

1. This Statute stipulates the amount of fees for the Eurasian Patent Organization's legally significant and other actions in relation to Eurasian design applications and Eurasian design patents, their payment currency and procedure for their payment and refund.

2. For the purposes hereof, the following definitions shall be used:

Convention – the Eurasian Patent Convention dated September 9, 1994;

Protocol – the Protocol on Protection of Industrial Designs to the Eurasian Patent Convention dated September 9, 2019;

Organization – the Eurasian Patent Organization referred to in Article 2(1) of the Convention;

Eurasian Office – the Eurasian Patent Office referred to in Article 2(3) of the Convention;

Contracting State – a State party to the Protocol;

Eurasian patent – a Eurasian design patent granted by the Eurasian Office in accordance with Article 15 of the Protocol;

Eurasian application – an application for the grant of a Eurasian patent filed in accordance with Article 13 of the Protocol;

unitary procedural fee – a fee for filing an application for the grant of a Eurasian patent, preliminary examination of a Eurasian application, substantive examination of a Eurasian application, publication of a Eurasian application, and other procedural actions in accordance with Article 14 of the Protocol;

applicant – a person filing a Eurasian application and who is deemed entitled to the grant of a Eurasian patent in accordance with Article 4 of the Protocol;

request – a request for the grant of a Eurasian patent;

national office – a national patent office of a Contracting State;

Patent Regulations – the Patent Regulations to the Convention referred to in Article 19 of the Protocol;

patent owner – a person having the exclusive right to an industrial design in accordance with Article 9(2) of the Protocol;

fee – payment for the Eurasian Office’s legally significant and other action referred to herein in relation to a Eurasian application or a Eurasian patent;

representative – a person who represents the applicant or patent owner before the Eurasian Office in accordance with Article 16 of the Protocol.

3. The fees, other than the Eurasian application processing and transmittal fee referred to in Article 13(3) of the Protocol, shall be paid to the Eurasian Office.

4. The fees shall be specified in the currency of the Russian Federation (Rubles).

Settlements with the Eurasian Office with regard to fee payment may be made in Rubles, US Dollars or Euros. In such case, the fees shall be paid at the exchange rate of the Central Bank of the Russian Federation established for the currency of the Russian Federation to the currency of the fee paid on the payment date.

The date of funds debiting from the payer’s account or date of the fee payment by the payer through the bank without opening an account shall be deemed the payment date.

Fees to Be Paid for Filing and Examination of Eurasian Application

5. The following fees shall be paid for filing a Eurasian application:

(i) unitary procedural fee according to Article 13(3) of the Protocol and Rule 108 (1) of the Patent Regulations:

where the Eurasian application is filed in respect of a single industrial design – in the amount of **25,000** rubles;

where the Eurasian application is filed in respect of several industrial designs – in the amount of **25,000** rubles and additional **12,000** rubles for each subsequent industrial design from the second to the tenth one, and **6,000** rubles for each subsequent industrial design in excess of the tenth;

(ii) additional fee for late submission of translation of the Eurasian application files into Russian according to Rule 93(3) of the Patent Regulations – in the amount of **4,000** rubles;

(iii) additional fee for late submission of a document confirming payment of a unitary procedural fee within the time limits provided for in Rules 93(4) and 102 (4) of the Patent Regulations – 20 percent of the amounts of the fee set out in item (i) of this paragraph;

(iv) additional fee for late submission of a power of attorney according to Rule 99(2) of the Patent Regulations – in amount of **1,000** rubles.

[paragraph 5 as amended on September 20–21, 2022. Effective from January 1, 2023]

6. A fee of in the amount of 16,000 rubles shall be paid for restoration of the priority right according to Rule 80(1) of the Patent Regulations.

7. A fee in the amount of 20,000 rubles shall be paid for filing an opposition to the Eurasian patent grant according to Article 14(3) of the Protocol and Rule 110(2) of the Patent Regulations.

National offices are exempt from the fee for filing an opposition to the grant of a Eurasian patent.

8. A fee in the amount of **6,500** rubles shall be paid for filing a request for a Eurasian application conversion into a national application according to Article 17(1) of the Protocol and Rule 123(1) of the Patent Regulations.

[paragraph 8 as amended on September 20–21, 2022. Effective from January 1, 2023.]

Fees to Be Paid for Industrial Design Registration, Publication of Eurasian Patent Grant Mention and Eurasian Patent Grant

9. According to Article 15(5) of the Protocol and Rule 114(1) of the Patent Regulations, the following fee shall be paid for industrial design registration, for publication of a Eurasian patent grant mention and for Eurasian patent grant:

where a Eurasian patent is granted in respect of a single industrial design – in the amount of **20,000** rubles;

where a Eurasian patent is granted in respect of several industrial designs – in the amount of **20,000** rubles, additional **10,000** rubles for each industrial design from the second to the tenth one, and **5,000** rubles for each subsequent industrial design in excess of the tenth.

[paragraph 9 as amended on September 20–21, 2022. Effective from January 1, 2023]

10. Should the fee for the industrial design registration, publication of a Eurasian patent grant mention and Eurasian patent grant be paid within two months of expiry of its payment term, an additional fee in the amount of **4,000** rubles shall be paid according to Rule 114 (1) of the Patent Regulations.

[paragraph 10 as amended on September 20–21, 2022. Effective from January 1, 2023]

11. A person recognized as an industrial design author or patent owner shall pay a fee for the Eurasian patent grant according to Rule 81(2) of the Patent Regulations in the amount specified in paragraph 10 of this Statute.

Fees to Be Paid for Introduction of Addenda, Clarifications, Corrections and Amendments

12. According to Rule 113(1) of the Patent Regulations, for submission of supplementary files with a request for amendments and corrections to the Eurasian application before the date of completion of the technical preparation for the Eurasian patent publication, a fee in the amount of **4,000** rubles shall be paid for each request for amendments and corrections.

[paragraph 12 as amended on September 20–21, 2022. Effective from January 1, 2023]

13. A fee in the amount of **4,000** rubles for amendments to the Eurasian patent shall be paid for each change according to Rule 120(1) of the Patent Regulations.

According to Rule 120(1) of the Patent Regulations, patent owners are exempt from the fee for amendments to the Eurasian patent, if amendments are required to correct evident and technical errors made through the Eurasian Office's fault.

[paragraph 13 as amended on September 20–21, 2022. Effective from January 1, 2023]

14. According to Rule 113 (1) of the Patent Regulations, a fee in the amount of **800** rubles shall be paid for amendments to the files contained in the request after the date of the Eurasian application receipt by the Eurasian Office, except in cases provided for in paragraphs 12 and 13 of this Statute.

[paragraph 14 as amended on September 20–21, 2022. Effective from January 1, 2023]

15. According to Rule 99(5) of the Patent Regulations, a fee in the amount of **800** rubles shall be paid for substitution of a representative.

[paragraph 15 as amended on September 20–21, 2022. Effective from January 1, 2023]

16. According to Rule 121(2) of the Patent Regulations, a fee in the amount of 800 rubles shall be paid for recording amendments to the surname, first name, patronymic (if any) or legal entity name of the patent owner, his/her/its residence or location into the Eurasian Patent Register.

Fees to Be Paid for Filing Oppositions and Appeals against Decisions of the Eurasian Office

17. According to Rule 112(3) of the Patent Regulations, a fee in the amount of 20,000 rubles shall be paid for filing an appeal against a decision refusing the grant of a Eurasian patent and an appeal against the Eurasian Office's decision regarding a request or petition filed in the course of the processing of a Eurasian application or Eurasian patent .

According to Rule 112(6) of the Patent Regulations, a fee in the amount of 35,000 rubles shall be paid for filing an appeal against the Eurasian Office's decision regarding an opposition stipulated in Rule 112(1) or 112(2) of the Patent Regulations.

18. According to Article 11(1) of the Protocol and Rule 116(3) of the Patent Regulations, a fee in the amount of 30,000 rubles shall be paid for filing an appeal against invalidation of a Eurasian patent.

According to Rule 116(7) of the Patent Regulations, a fee in the amount of 45,000 rubles shall be paid for filing a subsequent appeal against the Eurasian Office's decision regarding opposition stipulated in Rule 116(2) of the Patent Regulations.

National offices are exempt from fees for filing an opposition against a Eurasian patent invalidation and for filing an appeal against the Eurasian Office's decision regarding an opposition stipulated in Rule 116(2) of the Patent Regulations.

Fees to be Paid for Extension of Missed Term and Restoration of Rights

19. According to Rule 105(2) of the Patent Regulations, a fee in the amount of 1,000 rubles for extension of the term specified by the Eurasian Office for a procedural action shall be paid for each month of extension.

20. According to Rule 105(3) of the Patent Regulations, a fee in the amount of 15,000 rubles shall be paid for filing a request to continue processing in connection with failure to meet the time limits specified by the Eurasian Office for a procedural action.

21. According to Rule 107(1) of the Patent Regulations, a fee in the amount of 25,000 rubles shall be paid for filing a request for restoration of the right to the

Eurasian application lost due to failure to meet the time limits specified for any procedural action.

Fees to Be Paid for Acquaintance with Eurasian Application or Eurasian Patent Files and Obtaining Extracts from Eurasian Patent Register

22. According to Rule 124(1) of the Patent Regulations, a fee in the amount of 4,000 rubles shall be paid to the Eurasian Office for acquaintance with the Eurasian application or Eurasian patent files.

Should a person wishing to familiarize him-/herself with the Eurasian application or Eurasian patent files request copies of such files, he/she shall pay the Eurasian Office's expenses for copying the files and, where necessary, forwarding them based on the Eurasian Office's services tariffs.

Judicial and other competent authorities of the Contracting States are exempt from the fee for acquaintance with the Eurasian application or Eurasian patent files.

23. According to Rule 121(3) of the Patent Regulations, a fee in the amount of 800 rubles shall be paid for an extract from the Eurasian Patent Register.

24. According to Rule 92(2) of the Patent Regulations, a fee in the amount of 800 rubles shall be paid for submission of data on the Eurasian application.

Fees to Be Paid for Eurasian Patent Term Extension, Eurasian Patent Surrender and Limitation

25. According to Article 8(2) of the Protocol and Rule 88(4) of the Patent Regulations, the following fees shall be paid for a Eurasian patent term extension:

in the amount of **8,000** rubles for the first extension term for each industrial design protected by a Eurasian patent;

in the amount of **10,000** rubles for the second extension term for each industrial design protected by a Eurasian patent;

in the amount of **14,000** rubles for the third extension term for each industrial design protected by a Eurasian patent;

in the amount of **18,000** rubles for the fourth extension term for each industrial design protected by a Eurasian patent.

Should the fee for a Eurasian patent term extension be paid within six months of expiry of the payment term, the patent owner shall, according to Rule 88 (4) of the Patent Regulations, pay an additional fee amounting to 50 percent of the fee specified in the first part of this paragraph.

[paragraph 25 as amended on September 20–21, 2022. Effective from January 1, 2023]

26. According to Rule 118(3) of the Patent Regulations, a fee in the amount of **800** rubles shall be paid for filing a request for the surrender of a Eurasian patent.

[paragraph 26 as amended on September 20–21, 2022. Effective from January 1, 2023]

27. According to Rule 118(3) of the Patent Regulations, a fee in the amount of **800** rubles shall be paid for filing a request for a Eurasian patent limitation.

[paragraph 27 as amended on September 20–21, 2022. Effective from January 1, 2023]

Fees to Be Paid for Transfer of Right to Obtain Eurasian Patent and Exclusive Right to Industrial Design, Pledge of Exclusive Right to Industrial Design

28. A fee in the amount of **2000** rubles shall be paid for registration of transfer of the right to obtain a Eurasian patent in succession by inheritance or as a result of a legal entity reorganization according to Rule 86(6) of the Patent Regulations or while continuing the Eurasian application processing in accordance with Rule 81(1) of the Patent Regulation.

According to Rule 86(6) of the Patent Regulations, a fee in the amount of **8,000** rubles shall be paid for registration of transfer of the right to obtain a Eurasian patent under a contract.

[paragraph 28 as amended on September 20–21, 2022. Effective from January 1, 2023]

29. A fee in the amount of **4,000** rubles shall be paid for registration of transfer of the exclusive right to an industrial design in succession by inheritance or as a result of a legal entity reorganization according to Rule 86(6) of the Patent Regulations or upon accession in accordance with Rule 81(2) of the Patent Regulations.

According to Rule 86(6) of the Patent Regulations, a fee in the amount of 15,000 rubles shall be paid for registration of transfer of the exclusive right to an industrial design if transferred under a contract.

[paragraph 29 as amended on September 20–21, 2022. Effective from January 1, 2023]

30. According to Rule 86(10) of the Patent Regulations, a fee in the amount of 15,000 rubles shall be paid for registration of the pledge of the industrial design exclusive right.

Payment of Fees

31. A copy of the bank's payment order or receipt, certified according to the established procedure by the bank serving the Eurasian Office or another payer's bank with which the bank serving the Eurasian Office is in the correspondent relationships shall be deemed a document confirming the fee payment, unless otherwise stipulated by the Eurasian Office.

32. The document confirming the fee payment shall be submitted to the Eurasian Office within three months from the payment date specified therein, unless otherwise stipulated in the Patent Regulations or this Statute.

33. The document confirming the fee payment shall relate to a single Eurasian application or to a single Eurasian patent and shall contain details sufficient to identify the Eurasian application or Eurasian patent (Eurasian application registration number and (or) Eurasian patent number, and if the document is submitted before the Eurasian application registration with the Eurasian Office – the title of the industrial design or registration number of the applicant's case), including the name of the action for which the fee is paid.

34. In the case that the payment confirmed by the relevant document does not reach the Eurasian Office's account within two months from the payment date indicated therein, the payer shall be obliged, within three months of the date of the

dispatch of the appropriate notification, by the Eurasian Office, to take the measures necessary for making the payment.

35. The fee shall be deemed as correctly paid when the amount thereof received by the Eurasian Office corresponds to the specified fee amount.

Refund of Fee

36. In accordance with Rule 108(6) of the Patent Regulations, the fee for an action non-performed by the Eurasian Office, including an overpaid fee, shall be refunded at the payer's request filed within three years from the date of the fee payment.

The amounts to be refunded at the payer's request submitted within three years from the fee payment date shall be credited towards payment of other fees or amounts for the Eurasian Office's services.