

Public Consultation on the Rules on Court fees and recoverable costs

On the 8 May the Preparatory Committee launched a public consultation on the fee structure for the Court.

The consultation document Rules on Court fees and recoverable costs comprises two options for a revised Rule 370, a table of fees, a scale of ceilings for recoverable costs and an Explanatory Note.

Responses are to be sent to the Secretariat before 31 July (there is no guarantee that responses received after this date will be taken into consideration). In order to facilitate the processing of the submissions received the members of the Preparatory Committee would be grateful if responses are sent in English.

The Committee shall only consider contributions from stakeholders and other interested parties whose identity can be established and who can be contacted at least via e-mail. Contributors who represent organisations are requested to indicate so. If not, their contributions shall be considered to have been made in a personal capacity. Personal data (such as name and address of the contributor, name and type of the organisation, name of the contact person etc.) shall be kept only for the purpose of the consultation and may be used by the Committee for activities related to the consultation. Personal data shall not be given to third parties and shall be destroyed once the analysis of the consultation is completed.

The fee structure for the Unified Patent Court will comprise fixed fees and, for certain actions, an additional value based fee. The fee levels proposed are the lowest that will enable eventual sustainability of the Court.

As well as proposing fee levels, the consultation also addresses a number of points including:

- support for small and medium sized enterprises (SMEs), not for profit organisations and certain other bodies as set out in the Agreement by providing two possible options;
- the threshold at which a value-based fee will be payable;*and*
- a scale of ceilings for recoverable costs.

Comments are welcome on any aspect of the proposal and will be considered by the Preparatory Committee and its appropriate Working Groups prior to publication of an agreed fee structure.