

Patent renewal fees

It is important to regularly review your patent portfolio and consider which patents are still crucial to your current business, and which are perhaps not as relevant as they once were. A suitable time to do that can be when a patent becomes due for renewal.

What are renewal fees?

Most patent offices require you to pay official fees (usually annually) after a patent has been granted in order to keep the patent in force. Some patent offices, including the European Patent Office (EPO) also require official fees to be paid during the life of a patent application (I.e., before it has been EPO granted). These fees are known as 'renewal fees,' 'maintenance fees' or 'annuities' and must be paid by a set deadline.

What happens if I don't pay a renewal fee on time?

If you don't pay a renewal fee most countries will allow you to pay the fee late on payment of an additional penalty fee. However, if that penalty fee is not paid on time, then your patent or application will lapse, and you could lose your rights in your invention.

Some countries allow lapsed patents to be reinstated using a procedure known as restoration. However, restoration can be a costly process, and it is usually necessary to provide a good reason as to why you did not pay the fee. Deciding not to pay the fee or simply forgetting that it was due is not usually considered a good reason.

Some countries do not allow restoration at all, and once a patent has lapsed your rights in your invention will be irrevocably lost.

How can we help?

We can monitor your renewal fee deadlines for you and remind you when the fees need to be paid. If you decide the patent is still an asset to your business, and you want us to pay the fee, we can do that on your behalf. It is possible to pay renewal fees yourself at some patent offices. It is also possible to engage a specialist renewals payment firm to pay the renewal fees for you.

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However, sometimes things go wrong, and the consequences of missing a payment can be severe.

Some patent offices will only allow a lapsed patent to be restored if the owner can prove that he or she took 'all due care' to ensure the fee was paid. Some patent offices (notably the EPO) will not accept that you have taken 'all due care' unless you have engaged a registered European patent attorney to pay the fee on your behalf. All our patent attorneys are qualified as registered European patent attorneys. If you entrust your renewal fee payments to us, you can be sure they are in safe hands.

What next?

If you would like more information, then please get in touch. You can email us info@barkerbrettell.co.uk or call us on **+44 (0)121 456 0000**.

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