

How much does a patent cost?

Patent application costs are often a heavy burden at first, as it can be several years before an invention becomes profitable. The table "Average Costs of Domestic and Foreign Patent Application Procedures" points out the costs for some larger countries and differentiates between the fees of the patent offices and those of the patent lawyers.

In all countries except the USA, annual fees rise constantly until the final, 20th year, with the result that these are quite substantial towards the end of this period. These high fees are usually less important, however, since the majority of patents are not maintained for longer than 15 years. But if an invention is particularly successful and the annual fees for the corresponding patent are paid until the 20th year, profits are also high enough to make paying the annual fees easier.

While the office fees are fixed, for the purposes of the table, an average for the lawyers' fees had to be found. In each country several patent lawyers' chambers were asked about their respective costing and an average was calculated. A patent application of customary scope and degree of difficulty was then based on this information.

One should also bear in mind that, with the European and International Patent application, only the costs of the European Patent Office and the international authorities are mentioned and not those for the national phase. The costs for the national phase depend on the number of countries selected and maintained and whether there is an examination procedure at the respective patent offices. Such a wide range of possibilities exists here that costs can only be forecast on an individual basis.

Average Costs of Domestic and Foreign Patent Application Procedures¹ (EURO)

| | Drawing up of a patent application by a patent lawyer | | Filing of the application at the national patent office incl. search request | | Request for examination after prior search | | Examination procedure with two office actions | Payment of the fee for grant | | Renewal fee for the first 5 years | | Total costs in the first 3 years | | Total costs for 20 years | |
|--|---|------------------------|--|------------|--|------------|---|------------------------------|--|-----------------------------------|--------------------------|----------------------------------|---|--------------------------|------------|
| | Lawyer's fee | Office fee | Lawyer's fee | Office fee | Lawyer's fee | Office fee | | Lawyer's fee | Office fee | Lawyer's fee | Office fee | Lawyer's fee | Office fee | Lawyer's fee | Office fee |
| Germany | 2000 | 205 | 500 | 149 | 130 | 800 | 90 | 130 | 3rd yr: 59 4th year: 59 5th year: 90 | 80 80 80 | 503 | 3650 | +/-12000 | +/-4800 | |
| France | 1700 | 360 | 500 | - | - | 500 | 86 | 100 | 2nd yr: 29 3rd yr: 32 4th yr: 37 5th yr: 51 | 29 29 29 29 | 827 | 2900 | +/-5500 | +/-3400 | |
| Great Britain | 1500 | 195 | 640 | 105 | 225 | 800 | - | - | 5th yr:75 | 82 | 300 | 3200 | +/-6700 | +/-4500 | |
| Italy | 2000 | 400 ⁵ | 450 | - | - | - | 70 ³ | - | 1-3rd yr: 70 4th yr: 37 5th yr: 47 | 84 84 | 470 | 2450 | +/-6200 | +/-3900 | |
| Spain | 1000 | 560 | 1000 | - | - | 800 | 25 | 170 | 3rd yr: 19 4th yr: 24 5th yr: 46 | 60 60 68 | 604 | 3050 | +/-3400 | +/-4200 | |
| USA ² | 2500 | 800 (400) ² | 300 | - | - | 2500 | 1210 (605) ² | 250 | 3½ yr: 940 (470) | 150 | 2010 (1005) ² | 5550 | +/-8130 (4065) ² | +/-6000 | |
| Japan | 2400 | 205 | 1750 | 1100 | 560 | 2500 | 850 | 350 | 4th yr: 500 5th yr: 500 | 180 180 | 2155 | 7550 | +/-85000 | +/-11000 | |
| European Patent (15 claims) (8 countries) ⁶ | 2000 | 1549 | 2000 | 1431 | 150 | 1000 | 715 | 180 | 3rd yr: 383 4th yr: 403 5th yr: 434 | 80 80 80 | 4078 | 5400 | +/-19400 | +/-6800 | |
| International Patent Application (PCT) ⁶ | 2000 | 2164 | 2100 | 1681 | 150 | 1000 | - | - | - ⁷ | - | 3845 (2164) ⁴ | 5250 (4100) ⁴ | depending upon the quantity of states in which protection is finally sought | | |
| | Initial costs⁸ | | | | | | | | | | | | | | |

1. The figures for office fees were supplied by each country's the patent office. The lawyers' fees are based on information given by several lawyers from each country. Both sets of figures correspond to patent applications of average scope and level of difficulty.
2. For certain applicants, referred to as "small entities", the US regulation of fees intends a reduction of 50% for most of the office fees. The following applicants are "small entities":
 - a. Non-profit-making organisations, such as schools, universities, organisations for sport, culture, education etc.. These organisations' public welfare status must be recognised and they are not permitted to make a profit in favour of private persons.
 - b. Small companies, i.e. firms with fewer than 500 employees during the previous business year, including all temporary employees and casual workers.
 - c. Independent inventors.

The table shows the costs for large entities, while the costs for small entities are marked in brackets.
3. Repay when patent is granted.
4. With (without) examination.
5. No search request.
6. Without national phase.
7. Renewal fees only in the national phase.
8. Costs arising in the initial phase of the procedure.

Additional Information about Costs and Fees in Europe

<http://www.ipr-helpdesk.org/national>