

Decree No. 19/2005. (IV. 12.) GKM

on the Fees for Administrative Services in Industrial Property Procedures before the Hungarian Patent Office

By virtue of the authorization under Article 3(3) of Act IV of 1992 on the fees for administrative services in industrial property procedures I order – in agreement with the Minister of Finance and the President of the Hungarian Patent Office – as follows:

Obligation to Pay Fees

Article 1

(1) In industrial property procedures fees for administrative services (hereinafter referred to as "fees") shall be paid under this Decree.

(2) For the purposes of this Decree "industrial property procedures" shall mean procedures concerning patents, plant variety protection, utility model protection, topography protection, design protection, protection of trade marks and geographical indications, as well as procedures relating to supplementary protection certificates fall within the competence of the Hungarian Intellectual Property Office (hereinafter referred to as "the Office").

Exemption from Fees

Article 2

[repealed]

Patent Fees

Article 3

(1) The filing and search fee is HUF 37 400, which is increased by HUF 1 900 for each claim from the eleventh to the twentieth, by HUF 3 800 for each claim from the twenty-first to the thirtieth and by HUF 5 600 for the thirty-first and each subsequent claim.

(2) The fee for a request for a search report supplemented with a written opinion (hereinafter referred to as "written opinion") is HUF 30 800, which is to be paid in addition to the filing and search fee and the fee for a request for division [Article 15(3)].

(3) In the patent granting procedure the examination fee is HUF 63 800, with the exception in paragraph (4).

(4) In the patent granting procedure the examination fee is HUF 44 000 if a written opinion is made on the grounds of the request mentioned in paragraph (2).

(5) In the patent granting procedure the fee for grant is HUF 35 200, which is increased by HUF 3 500 for each page in excess of six pages of the description and of the drawings.

(6) In the case of a patent application disclosing nucleotide or amino acid sequences, the fee for grant payable for the sequence listing or table constituting part of the patent specification is HUF 117 000 irrespective of the number of pages of the sequence listing and table, provided that this fee is more advantageous to the applicant than the fee calculated according to paragraph (5) and the sequence listing and table constituting part of the patent

specification are published exclusively in computer-readable form, on an electronic data carrier.

- (7) The amount of the maintenance fee of the patent is
 - (a) HUF 17 600 annually from the first to the third year;
 - (b) HUF 88 000 for the fourth year;
 - (c) HUF 110 000 for the fifth year;
 - (d) HUF 148 500 annually from sixth to the twelfth year;
 - (e) HUF 154 000 annually from the thirteenth to the sixteenth year;
 - (f) HUF 159 500 annually for the seventeenth and eighteenth years;
 - (g) HUF 165 000 annually for the nineteenth and twentieth years;
- (8) In the case of provisional pipeline patent protection the patent maintenance fee is HUF 165 000 annually.

Article 4

(1) In the case of a European patent application the fee for the publication of the claims is HUF 23 500, which is increased by HUF 3 500 for each page in excess of six pages of the Hungarian translation of the claims.

(2) In the case of a European patent the fee for the publication of the translation is HUF 23 500, which is increased by HUF 3 500 for each page in excess of six pages of the text of the European patent. In calculating the number of pages the combined content of one of the following shall be considered as the text of the European patent:

(a) the Hungarian translation of the claims and the text of the European patent without the claims (the patent description and the drawings connected to it), if the language of the procedure before the European Patent Office was English, with the proviso that if the Hungarian translation of the text of the European patent without the claims was filed together with the Hungarian translation of the claims, the extent of the Hungarian translation of the text shall prevail;

(b) the Hungarian translation of the claims and the Hungarian or English translation of the text of the European patent without the claims, if the language of the procedure before the European Patent Office was French or German.

(2a) If the Hungarian translation of the text of the European patent without the claims was filed according to Article 84/H(10a) of Act XXXIII of 1995 on the Protection of Inventions by Patents (hereinafter referred to as “the Patent Act”), the fee for the publication of the translation is HUF 23 500, which is increased by HUF 3 500 for each page in excess of six pages of the text of the European patent without the claims.

(3) In the case of a European patent application or a European patent the fee for the publication of any correction is HUF 23 500, which is increased by HUF 3 500 for each page in excess of six pages of the corrected claims or the corrected translation of the text of the European patent.

(4) In the case of a European patent granted for an application disclosing nucleotide or amino acid sequences, the fee for the publication of the translation or the fee for the publication of any correction payable for the sequence listing or table constituting part of the text or part of the corrected text of the European patent is HUF 117 700 irrespective of the number of pages of the translation, provided that this fee is more advantageous to the applicant or to the patentee than the fee calculated according to paragraph (2) or (3) and the sequence listing and table constituting part of the description are published exclusively in computer-readable form, on an electronic data carrier.

(5) Where the translation required for the European patent to become effective is filed with paying a surcharge, the surcharge is HUF 58 700, which shall be paid in addition to the fee for the publication of the translation.

(6) The provisions of paragraphs (2) to (5) shall apply *mutatis mutandis* to European patents maintained as amended as a result of opposition and limitation procedures under the European Patent Convention.

Article 5

(1) The fee for the transmittal of an international patent application is HUF 11 800.

(2) Where the Office acts as a designated Office, the national fee is HUF 37 400, which is increased by HUF 1 900 for each claim from the eleventh to the twentieth, by HUF 3 800 for each claim from the twenty-first to the thirtieth and by HUF 5 600 for the thirty-first and each subsequent claim.

(3) Where the Office acts as an elected Office, the national fee is HUF 18 700, which is increased by HUF 950 for each claim from the eleventh to the twentieth, by HUF 1 900 for each claim from the twenty-first to the thirtieth and by HUF 2 800 for the thirty-first and each subsequent claim.

(4) Where the Office acts as a designated or an elected Office, the surcharge is HUF 58 700, which shall be paid in addition to the national fee.

(5) In the case of an international patent application the effect of which has ceased, the fee for a request for the restoration of rights is HUF 117 700, which shall be paid in addition to the national fee.

(6) The additional national search fee – irrespective of whether the Office acts as a designated or an elected Office – is half of the amounts indicated in paragraph (2).

Fees for supplementary protection certificates

Article 6

(1) The fee for an application for the grant of a supplementary protection certificate and the fee for a request for the extension of the duration of a supplementary protection certificate is HUF 235 400.

(2) The amount of the maintenance fee of the certificate is

- (a) HUF 293 700 for the first year;
- (b) HUF 352 000 for the second year;
- (c) HUF 411 400 for the third year;
- (d) HUF 469 700 for the fourth year;
- (e) HUF 528 000 for the fifth year;
- (f) HUF 620 400 for the sixth year.

(3) If the last year of the duration of the certificate is an incomplete year, the amount of the maintenance fee shall be the result of multiplying the number of each commenced calendar month of the incomplete year by one twelfth of the maintenance fee indicated in paragraph (2) for the complete year having the same serial number as the incomplete year.

Fees for plant variety protection

Article 7

(1) The fee for an application for plant variety protection is HUF 32 000.

(2) The maintenance fee of the plant variety protection is HUF 53 400 annually from the first to the tenth year.

(3) From the eleventh year until lapse by the reason of expiry, the maintenance fee of the plant variety protection is HUF 106 800 annually.

(4) In the case of vine and trees, the maintenance fee of the plant variety protection is half of the amount indicated in paragraph (2) and three quarters of the amount indicated in paragraph (3).

(5) The fee for forwarding an application for Community plant variety right is HUF 10 700.

(6) The amount of the maintenance fee payable in the year of the lapse of the Community plant variety right, in respect of the maintenance of the re-established plant variety protection, shall be the result of multiplying the number of each commenced calendar month by one twelfth of the maintenance fee determined for the complete year having the same serial number as the year of the re-establishment of the plant variety protection.

Fees for utility model protection

Article 8

(1) The fee for utility model application is HUF 17 000, which is increased by HUF 1 100 for the eleventh and each subsequent claim.

(2) The amount of the maintenance fee of the utility model protection is

(a) HUF 21 400 annually from the first to the fifth year,

(b) HUF 32 000 annually from the sixth to the tenth year.

(3) The maintenance fee for the first year is increased by HUF 3 500 for each page in excess of six pages of the description and of the drawings.

(4) If an international patent application claims utility model protection in Hungary as a designated or as an elected State, the national fee is HUF 18 700, which is increased by HUF 1 200 for the eleventh and each subsequent claim; the surcharge is HUF 58 700, which shall be paid in addition to the national fee.

(5) In the case of an international patent application the effect of which has ceased, the fee for a request for the restoration of rights is the amount indicated in Article 5(5), shall be paid in addition to the national fee, even if the international patent application claims utility model protection in Hungary as a designated or as an elected State.

Payment of maintenance fees

Article 9

(1)–(3) *[repealed]*

(4) In the case of a request for the restoration of protection the double of the maintenance fee of the patent, plant variety protection or utility model protection or the double of the maintenance fee of a supplementary protection certificate due for the year in question shall be paid within three months following the expiration of the grace period.

(5) *[repealed]*

Fees for design protection

Article 10

(1) The fee for a design application is HUF 32 000, which is increased by HUF 6 400 for each further design if protection is sought for more than one design in the application.

(2) *[repealed]*

(3) The fee for a request for the renewal of design protection is:

- (a) HUF 64 000 for the first renewal,
- (b) HUF 85 400 for the second renewal,
- (c) HUF 107 000 for the third renewal,
- (d) HUF 160 000 for the fourth renewal.

(4) In the case of a partial renewal of design protection the fees prescribed in paragraph (3) shall be paid.

(5) The fee for forwarding a Community design application is HUF 10 700.

(6) The fee for forwarding an international industrial design application is HUF 10 700.

Trade mark fees

Article 11

(1) The filing fee and the fee for a request for the renewal of trade mark protection is HUF 74 800 alike; this fee is increased by HUF 32 000 for the fourth and each further class if the list of goods or services belongs to more than three classes.

(2) In the case of a collective or certification mark, the filing fee and the fee for a request for the renewal of trade mark protection is HUF 320 000, which is increased by HUF 32 000 for the fourth and each further class if the list of goods or services belongs to more than three classes.

(3) The fee for a request, by the proprietor of an earlier right indicated in the search report, for notification of a later trade mark application, is HUF 6 400 for each calendar year of the period specified in the request.

(4) The opposition fee is HUF 64 000.

(5) The fee for accelerated procedure is equivalent to the filing fee specified in paragraph (1).

(6) The fee for forwarding a Community trade mark application is HUF 10 700.

(7) In the case of the conversion of a Community trade mark application into a national trade mark application, the amount of the filing fee specified in paragraph (1) or (2) reduced by HUF 20 000 shall be paid. In the case of the conversion of a Community trade mark into a national trade mark application, the filing fee is half of the amount specified in paragraph (1) or (2).

(8) The fee for forwarding an international trade mark application, a request for renewal, a request for the subsequent extension of protection resulting from the international registration or a request for recording any other amendment relating to the international trade mark application or to the protection resulting from the international registration is HUF 10 700.

(9) The fee for the transformation of an international registration into a national trade mark application is the amount of the filing fee specified in paragraph (1) or (2) reduced by HUF 20 000, and in the case provided for in Article 76/Z(3) of Act XI of 1997 on the Protection of Trade Marks and Geographical Indications (hereinafter referred to as "the Trade Mark Act") the fee is half of the amount of the filing fee specified in paragraph (1) or (2).

Fees for protection of geographical indications

Article 12

(1) The filing fee for an application for the registration of a geographical indication is HUF 107 000.

(2) The fee for forwarding an application for the international registration of an appellation of origin is HUF 10 700.

Fees for topography protection

Article 13

The fee for an application for the protection of the topography of microelectronic semiconductor products is HUF 32 000.

Fees for revocation, cancellation, decision on lapse, decision on invalidity, decision on lack of infringement and fees related to compulsory licenses

Article 14

(1) The fee of a request for revocation and for a decision on lack of infringement in patent, utility model, design and topography protection matters, for a decision on lapse or invalidity, for revocation of an extension of the duration and for a decision on lack of infringement in matters concerning supplementary protection certificates, for granting, for review or modification of a compulsory license and for access to books and records of the licensee in patent matters or in matters relating to supplementary protection certificates, for revocation, cancellation of protection or of variety denomination in plant variety protection matters, for cancellation or for revocation in trade mark and geographical indication matters is HUF 140 800.

(2) The fee of a request for accelerated revocation or cancellation procedure or accelerated procedure for decision on lack of infringement is equivalent to the fee specified in paragraph (1).

Fees of the requests for amendment, extension of time limits, division and for continuation of the procedure

Article 15

(1) The fee for a request for amendment in any industrial property matter aiming at the grant of protection, as well as for extension of time limits in such matters and in those referred to in Article 14 is HUF 5 300 for the first request, HUF 9 350 for the second request and HUF 17 600 for further requests.

(2) The fee for a request for amendment involving an increase in the number of patent claims shall increase by HUF 1 900 for each claim from the eleventh to the twentieth claim, by HUF 3 800 for each claim from the twenty-first to the thirtieth claim and by HUF 5 600 for the thirty-first and each subsequent claim compared with the fees stated under (1). The fee for a request for amendment involving an increase in the number of utility model claims shall increase by HUF 1 070 for the eleventh and each subsequent claim compared with the fees stated under (1).

(3) The fee for a request for division is HUF 37 400 if filed prior to the request for substantive examination and HUF 101 200 following that request, for each divisional application in patent matters; HUF 32 000 in plant variety protection matters and HUF 18 700 in utility model matters for each further application.

(4) The fee for a request for the division of a design application or design protection is HUF 32 000 for each further application or protection.

(5) The fee for a request for the division of a trade mark application or trade mark protection is

(a) in the case of division by dividing the list of goods or services HUF 74 800 for each further application or trade mark and if a collective or certification mark is concerned HUF 320 000 for each further application or trade mark;

(b) in the case of the division of an application claiming protection for more than one sign an amount corresponding to the filing fee [Article 11(1) and (2)] for each further application.

(6) The fee for a request for the division of an application for the registration of a geographical indication is HUF 107 000 for each further application.

(7) The fee for a request for continuation of the procedure is HUF 38 500 in any industrial property matter.

(8) Failing to comply with time limits for paying fees, the fee prescribed in paragraph (7) shall be paid in addition to those fees.

Fees for recording a succession in title, a right of pledge and a license agreement

Article 16

The fee for a request for recording a succession in title, a right of pledge and a license agreement in any industrial property matter is HUF 16 500; this fee is HUF 3 500 if the inventor of a service invention or a service utility model, the breeder of a service plant variety, the designer of a service design or the creator of a service topography acquires the said rights.

Fees for copies, extracts and authentication

Article 17

The fee for a copy of a document (e.g. the minutes) or for an extract prepared in the course of any industrial property procedure is HUF 300 for each page. The fee for authentication is HUF 3 000 for each document. If the copy is made from a computer-readable, electronic data carrier on a data carrier of the same kind, the fee for a copy or extract is HUF 1 000 irrespective of the number of pages.

Allowances of the inventors, breeders, designers and creators

Article 18–20

[repealed]

Mode of payment

Article 21

(1) The fees for industrial property procedures shall be paid to the account No. 10032000-01731842-00000000 of the Office kept with the Hungarian State Treasury by bank transfer or money order, with the indication of the identifying data (reference number or registration number) and the purpose (legal title).

(2) The President of the Office may grant modes of payment unlike those provided in paragraph (1), including the payment through deposit account.

Treatment and keeping a record of fees

Article 22

The legal provisions on the specific characteristics of the requirement of producing financial statements and of book-keeping relating to budgetary organizations shall apply to the treatment, accounting, record-keeping and – with the exception of cases provided for in Articles 24–26 – refund of fees.

Failure to pay

Article 23
[repealed]

Refund of fees

Article 24

(1) Undue fees and maintenance fees paid more than two months before the starting date of the grace period, or paid in a smaller amount than prescribed in the case of the lapse of protection, or maintenance fees paid under Article 9(4) in the case of the refusal of the request for restoration shall – on request – be refunded or transferred in favour of another industrial property matter by the Office.

(2) If the provisional pipeline patent protection is a basic patent for which the Office has granted a supplementary protection certificate, the amount of the maintenance fee due in the last year of the provisional pipeline patent protection subject to the period following the expiration of the protection, calculated in compliance with the provisions of Article 6(3), shall – on request — be refunded or transferred in favour of another industrial property matter, provided that the maintenance fee due in the first year of the certificate has been paid.

(3) The Office shall refund a proportionate part of the fee specified under Article 11(3) corresponding – within the period specified in the request – to the ratio of search reports in connection with which the notification complying with the request has not been made to those in connection with which the Office has notified the proprietor of the earlier right according to his request.

(4) In the cases provided for in Article 61/H(4) of the Trade Mark Act, the Office shall refund, at the request of the opponent, two thirds of the opposition fee.

Article 25

(1) If the purpose of the payment for the Office cannot be identified, the Office shall invite the payer to rectify the irregularities.

(2) If the payer cannot be identified or notified or the rectification shall have no result, but the data necessary for the refund are at the Office's disposal, the Office shall refund the amount paid.

Article 26

(1) In the case of the refund, on request, of the fee for a request for a written opinion – except for the case provided for in Article 69/A(8)(d) of the Patent Act – and in the case determined in Article 75(5) of the Patent Act as well as in Article 24(1) and Article 25(2) of this Decree, prior to the refund the Office shall deduct from the amount to be refunded the amount of the commissions and fees of transfer orders given to the debit of the Office's account kept with the Hungarian State Treasury or the amount of fees charged by the post for orders for postal financial transactions.

(2) The Office shall not refund a payment the amount of which does not reach HUF 300 or in the case of which the costs of the refund reach or exceed the amount to be refunded.

Entry into Force, Transitional Provisions

Article 27

(1) This Decree shall enter into force – with the exception set out in paragraph (2) – on the eighth day following its promulgation; simultaneously, Decree No. 71/2004. (IV. 28.) GKM on the Fees for Administrative Services in Industrial Property Procedures before the Hungarian Patent Office shall be repealed.

(2) Article 3(2) and (4) and Article 7(5) of this Decree shall enter into force on 1 November 2005.

(3) Article 4(2), (4) and (5) of Decree No. 19/2005. (IV. 12.) GKM on the Fees for Administrative Services in Industrial Property Procedures before the Hungarian Patent Office as amended by Decree No. 23/2010. (XII. 28.) KIM shall apply to European patents where the mention of the grant is published in the European Patent Bulletin after 1 January 2011.

(4) *[repealed]*

(5)–(6) *[repealed]*