

**Decree 19/2005 (12 April) GKM
on fees for administrative services in industrial property procedures before the
Hungarian Patent Office**

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

Obligation to pay fees

Section 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 falling within the competence of the Hungarian Intellectual Property Office (hereinafter referred to as "the Office").

Exemption from fees

Section 2

[repealed]

Patent fees

Section 3

(1) The patent filing and search fee is HUF50 000, which is increased by HUF 2 500 for each claim from the eleventh to the twentieth, by HUF 5 100 for each claim from the twenty-first to the thirtieth and by HUF 7 500 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 41 500, which is to be paid in addition to the patent filing and search fee and the fee for a request for division [Section 15(3)].

(3) In the patent grant procedure the examination fee is HUF 86 000, with the exception set out in paragraph (4).

(4) In the patent grant procedure the examination fee is HUF 59 000 if a written opinion has been prepared on the basis of the request referred to in paragraph (2).

(5) In the patent grant procedure the fee for grant is HUF 47 500, which is increased by HUF 4 700 for each page in excess of six pages of the description and drawings.

(6) In the case of a patent application disclosing nucleotide or amino acid sequences, the fee for grant payable for the sequence listing constituting part of the patent specification is HUF 120 000, irrespective of the number of pages of the sequence listing.

(7) The amount of the maintenance fee of the patent is

1. HUF 10 000 for the third year;
2. HUF 75 000 for the fourth year;
3. HUF 104 000 for the fifth year;
4. HUF 141 000 for the sixth year;
5. HUF 141 000 for the seventh year;
6. HUF 141 000 for the eighth year;
7. HUF 141 000 for the ninth year;
8. HUF 141 000 for the tenth year;
9. HUF 200 000 for the eleventh year;
10. HUF 200 000 for the twelfth year;
11. HUF 208 000 for the thirteenth year;
12. HUF 208 000 for the fourteenth year;
13. HUF 208 000 for the fifteenth year;
14. HUF 208 000 for the sixteenth year;
15. HUF 215 000 for the seventeenth year;
16. HUF 215 000 for the eighteenth year;
17. HUF 223 000 for the nineteenth year;
18. HUF 223 000 for the twentieth year.

(8) [repealed]

Section 4

(1) In the case of a European patent application the fee for the publication of the claims is HUF 31 500, which is increased by HUF 4 700 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 31 500, which is increased by HUF 4 700 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 description and related drawings) if the language of the proceedings 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 proceedings 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 Section 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 31 500, which is increased by HUF 4 700 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 31 500, which is increased by HUF 4 700 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 of the sequence listing constituting part of the text or corrected text of the European patent is HUF 120 000, irrespective of the number of pages of the sequence listing.

(5) Where the translation required for the European patent to become effective is filed with paying a surcharge, the surcharge is HUF 79 000, 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 proceedings under the European Patent Convention.

Section 5

(1) The fee for the transmittal of an international patent application is HUF 15 500.

(2) Where the Office acts as a designated Office, the national fee is HUF 50 000, which is increased by HUF 2 500 for each claim from the eleventh to the twentieth, by HUF 5 000 for each claim from the twenty-first to the thirtieth and by HUF 7 500 for the thirty-first and each subsequent claim.

(3) Where the Office acts as an elected Office, the national fee is HUF 25 000, which is increased by HUF 1 250 for each claim from the eleventh to the twentieth, by HUF 2 500 for each claim from the twenty-first to the thirtieth and by HUF 3 750 for the thirty-first and each subsequent claim.

(4) Where the Office acts as a designated or elected Office, the surcharge is HUF 79 000, 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 re-instatement of rights is HUF 158 500, which shall be paid in addition to the national fee.

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

Fee reduction

Section 5/A–5/C

[repealed]

Fees for supplementary protection certificates

Section 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 317 500.

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

- (a) HUF 396 000 for the first year;
- (b) HUF 475 000 for the second year;
- (c) HUF 555 000 for the third year;
- (d) HUF 634 000 for the fourth year;
- (e) HUF 712 500 for the fifth year;

(f) HUF 837 500 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

Section 7

(1) The fee for an application for plant variety protection is HUF 43 000.

(2) The maintenance fee of the plant variety protection is HUF 72 000 annually from the first to the tenth year.

(3) From the eleventh year until lapse due to expiry, the maintenance fee of the plant variety protection is HUF 144 000 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 14 000.

(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 reinstated 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 reinstatement of the plant variety protection.

Fees for utility model protection

Section 8

(1) The fee for the application for utility model protection is HUF 22 500, which is increased by HUF 1 400 for the eleventh and each subsequent claim.

(1a) The fee for an opinion on protectability that can be requested regarding an application for utility model protection or a utility model protection is HUF 83 000.

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

(a) HUF 28 500 annually from the first to the fifth year,

(b) HUF 43 000 annually from the sixth to the tenth year.

(3) The maintenance fee for the first year is increased by HUF 4 500 for each page in excess of six pages of the description and drawings of the utility model protection.

(4) If an international patent application is for the grant of utility model protection in Hungary as a designated or elected State, the national fee is HUF 25 000, which is increased by HUF 1 500 for the eleventh and each subsequent claim; the surcharge is HUF 79 000, 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 reinstatement of rights is the amount specified in Section 5(5), which shall be paid in addition to the national fee, even if the international patent application is for the grant of utility model protection in Hungary as a designated or elected State.

Payment of maintenance fees

Section 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 expiry of the grace period.

(5) *[repealed]*

Fees for design protection

Section 10

(1) The fee for an application for design protection is HUF 27 000, which is increased by HUF 5 000 for each further design if protection is sought for more than one design in the application.

(2) The fee for the opinion on the protectability of a design is HUF 25 000.

(2a) *[repealed]*

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

- (a) HUF 86 000 for the first renewal,
- (b) HUF 115 000 for the second renewal,
- (c) HUF 144 000 for the third renewal,
- (d) HUF 216 000 for the fourth renewal.

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

(5) The fee for forwarding an application for a Community design protection is HUF 14 000.

(6) The fee for forwarding an application for an international industrial design protection is HUF 14 000.

Trade mark fees

Section 11

(1) The fee for the trade mark application and the fee for a request for the renewal of trade mark protection is:

- (a) HUF 81 000 in the case of a list of goods and services containing goods or services which belong to one class,
- (b) HUF 108 000 in the case of a list of goods and services containing goods or services which belong to two classes,
- (c) HUF 148 500 in the case of a list of goods and services containing goods or services which belong to three classes,
- (d) HUF 202 500 in the case of a list of goods and services containing goods or services which belong to four classes, with the proviso that the amount of the fee is increased by HUF 54 000 per class for each subsequent class of goods or services.

(2) In the case of a collective or certification mark, the fee for a trade mark application and the fee for a request for the renewal of trade mark protection is:

(a) HUF 270 000 in the case of a list of goods and services containing goods or services which belong to one class,

(b) HUF 297 000 in the case of a list of goods and services containing goods or services which belong to two classes.

(c) HUF 337 500 in the case of a list of goods and services containing goods or services which belong to three classes,

(d) HUF 391 500 in the case of a list of goods and services containing goods or services which belong to four classes, with the proviso that the amount of the fee is increased by HUF 54 000 per class for each subsequent class of goods or services.

(2a) The additional fee according to Section 65(4) of Act XI of 1997 on the Protection of Trade Marks and Geographical Indications (hereinafter referred to as “the Trade Mark Act”) is HUF 40 500.

(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 8 500 for each calendar month of the period specified in the request.

(4) The opposition fee is HUF 86 000.

(5) The fee for accelerated procedure is equal to the fee for a trade mark application specified in paragraph (1).

(6) *[repealed]*

(7) In the case of the conversion of a European Union 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 European Union 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 Section 76/U(3) of 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

Section 12

(1) The fee of an application for the registration of a geographical indication is HUF 144 000.

(2) The fee for forwarding an application for the international registration of an appellation of origin is HUF 14 000.

Fees for topography protection

Section 13

The fee for an application for the protection of the topography of microelectronic semiconductor products is HUF 43 000.

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

Section 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 a declaration of invalidity or for revocation in trade mark and geographical indication matters is HUF 190 000.

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

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

Section 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 Section 14, is HUF 7 000 for the first request, HUF 12 500 for the second request and HUF 23 500 for further requests.

(2) The fee for a request for amendment involving an increase in the number of patent claims shall increase by HUF 2 500 for each claim from the eleventh to the twentieth claim, by HUF 5 000 for each claim from the twenty-first to the thirtieth claim and by HUF 7 500 for the thirty-first and each subsequent claim compared with the fees stated under paragraph (1). The fee for a request for amendment involving an increase in the number of utility model claims shall increase by HUF 1 100 for the eleventh and each subsequent claim compared with the fees stated under paragraph (1).

(3) The fee for a request for division is HUF 50 000 if filed prior to the request for substantive examination and HUF 136 500 following that request, for each divisional application in patent matters; HUF 43 000 in plant variety protection matters and HUF 23 500 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 27 000 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 100 500 for each further application or trade mark and if a collective or certification mark is concerned HUF 432 000 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 [Section 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 144 000 for each further application.

(7) The fee for a request for continuation of the proceedings is HUF 51 500 in any industrial property matter.

(8) If the missed deadline was for the payment of a fee, the fee prescribed in paragraph (7) shall be paid in addition to that fee

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

Section 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 22 000; this fee is HUF 4 500 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

Section 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 proceedings is HUF 400 for each page. The fee for authentication is HUF 4 000 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 1 300, irrespective of the number of pages.

Allowances of the inventors, breeders, designers and creators

Section 18–20

[repealed]

Mode of payment

Section 21

(1) The fees for industrial property proceedings shall be paid to appropriation utilisation account No. 10032000-01731842-00000000 of the Office kept with the Hungarian State Treasury by remittance, cash transfer order or online payment by bank card (VPOS), with indication of the identifying data (reference number) and the purpose (legal title code).

(2) *[repealed]*

Treatment and keeping a record of fees

Section 22

The legal provisions on the accounting of public finances shall apply to the treatment, accounting, record-keeping and, with the exception of cases provided for in Sections 24–26, refund of fees.

Failure to pay

Section 23

[repealed]

Refund of fees

Section 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 Section 9(4) in the case of the refusal of the request for restoration shall – on request – be refunded by the Office.

(2) *[repealed]*

(3) The Office shall refund a proportionate part of the fee specified under Section 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 Section 61/H(4) of the Trade Mark Act, the Office shall refund, at the request of the opponent, two thirds of the opposition fee.

Section 25

(1) If the purpose of the payment for the Office or the person who made the payment cannot be identified, but the information necessary for repayment is available, the Office shall refund the amount paid.

(2) *[repealed]*

Section 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 Section 69/A(8)(d) of the Patent Act – and in the case specified in Section 75(5) of the Patent Act as well as in Section 24(1) and Section 25(1) 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.

Closing Provisions

Section 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 71/2004 (28 April) GKM on the fees for administrative services in industrial property procedures before the Hungarian Patent Office shall be repealed.

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

(3) Section 4(2), (4) and (5) of Decree 19/2005. (12 April) GKM on the fees for administrative services in industrial property procedures before the Hungarian Patent Office as amended by Decree 23/2010 (28 December) KIM shall apply to European patents where the mention of the grant is published in the European Patent Bulletin after 1 January 2011.

(4) Section 11(1)-(2a) of this Decree as amended by Decree 34/2018. (XII. 18.) ITM on the amendment of certain ministerial decrees regarding industrial property shall apply to trade mark applications filed on 1 January 2019 or after that date.

(5) Provisions regarding renewal fees in Section 11(1)-(2a) of this Decree as amended by Decree 34/2018. (18 December) ITM on the amendment of certain ministerial decrees regarding industrial property shall apply to trade marks the protection of which expires after 30 June 2019.

(5a) The fees set out in paragraphs (1), (2) and (2a) of Section 10(1) of the present Decree, as specified by Decree 9/2023 (August 31) KIM amending Decree 17/2005 (26 March) GKM on the Hungarian Design Award and Decree 19/2005 (April 12) GKM on the fees for administrative services in industrial property procedures before the Hungarian Patent Office, shall apply to applications filed on or after 1 January 2024.

(6) Section 11 of this Decree serves to comply with Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks.

(7) *[repealed]*