

Applying for a German Patent - Costs¹ and Time Line

April 2011

Time	
Years	Months
	<p><i>All information on costs and actions stated herein relates to “normal” applications, as are 80 to 90 % of all cases. The quoted costs are governed by the effort involved and include the official fees.</i></p>
	<p>Before applying for a patent, it is prudent to make a search for the prior art, allowing the results to be checked by a patent attorney. This will cost from about 1,000 € to 2,000 € depending on complexity.</p>
	<p>0 Power of Attorney, drafting and filing of the application at the German Patent and Trademark Office. These will cost¹ approximately 2,600 – 7,200 € (depending on complexity).</p>
	<p>approx. Granting procedure</p>
	<p>4 – 8 Examination is carried out on request (cost factor¹: 470 €).</p>
	<p>↓ The German Patent and Trademark Office will issue a first Examiner’s Action about 6 to 8 months following the Request for Examination. The costs involved in making the Response to the Examiner’s Action will be from about 300 to 1,200 €. The prior art stated in the first Examiner’s Action will give an indication of the chances of acquiring a patent.</p>
	<p>The Examiner’s Action does not itself provide any orientation in this respect, as it is generally formulated in a rather negative fashion. The found prior art will be useful in estimating whether foreign applications might be successful in obtaining a grant.</p>
	<p>10 Foreign patents should now be applied for, particularly where translations are necessary, since the counterpart foreign attorney will also have to file the foreign application before the 12 months’ deadline. Cost factor¹ per country: 1,000 – 10,000 €</p>
1	<p>12 Deadline for foreign applications</p> <p>Applications at the European Patent Office and International (PCT) Applications can be filed up to just before the 12 months’ deadline, but not afterwards. (See the information notes entitled “Applying for a European Patent”).</p>
	<p>If the Examiner is still not inclined to grant a patent following the Response to the first Examiner’s Action, it may be expedient to apply for a Personal Hearing at the German Patent and Trademark Office. This is particularly advisable when there are items difficult to discuss in written communication. The Examiner will generally not stand by his initially negative attitude. Cost factor¹: 1,500 – 2,600 €. If, however, the Examiner is considering a grant, another written Response will be the better choice.</p>
	<p>18 Publication of the patent application in the form of a “laid-open” specification. If a patent is subsequently granted, patent infringements occurring on or after this date can be prosecuted.</p> <p>In most cases a final Response will be necessary, stipulating amendments to the filed documents. Cost factor¹: approximately 300 – 1.300 €.</p> <p>The patent will usually be granted within a period of from 1 to 3 years, although the Examiners are often willing to expedite the process.</p> <p>During the 3 months following the grant, opposition against the grant can be filed by all parties. An opposition suit incurs additional costs, but each party must pay their own expenses.</p>
2	<p>From now on renewal fees become due (see next page)</p>
20	<p>End of lifetime of the German patent</p>

¹ included attorney’s fees are net amounts

Renewal Fees

	Year	Attorney's Fee ¹		Official Fee (€)	
		1)	2)		
1) Fee ¹ for the continuation of power of attorney, maintenance of files, brief communications, and forwarding of incoming letters	3	50	10	70	
	4	50	10	70	
	5	50	10	90	
	6	50	20	130	
	7	50	30	180	
	8	50	40	240	
	9	50	50	290	
	2) Fee ¹ for monitoring the renewal fees, obtaining information from client, and remitting a renewal fee	10	50	70	350
		11	50	90	470
12		50	110	620	
13		50	130	760	
14		50	150	910	
15		50	170	1,060	
16		50	190	1,230	
17		50	210	1,410	
18		50	230	1,590	
19		50	250	1,760	
20		50	270	1,940	

If a Disposition Statement for Licensing is lodged with the German Patent and Trademark Office, the **official fees will be reduced by 50 %**. The same applies to the attorney's fees under b) as long as no income ensues from the patent.

A Disposition Statement for Licensing implies that the patented object is made free for use by any party wishing to produce it and willing to pay an appropriate fee.

¹ Attorney's fees are net amounts