

Kluwer Patent Blog

EPO: J 11/12, European Patent Office (EPO), Board of Appeal, 29 June 2016

Lars de Haas (V.O.) · Monday, October 24th, 2016

The Legal Board of Appeal of the EPO rejected the decision of the examining division that additional claim fees were due at the start of examination for claims added with the response to the international search report under Rule 161(1) EPC, even if at the end of the 31 month period the claims did not give rise to a time limit under rule 162(2) EPC to pay additional claim fees. There was no justification for a mirror image of the practice of refunding claim fees when the number of claims is reduced within the time period of Rule 161(1) EPC.

A [full summary](#) of this case has been published on [Kluwer IP Law](#).

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