

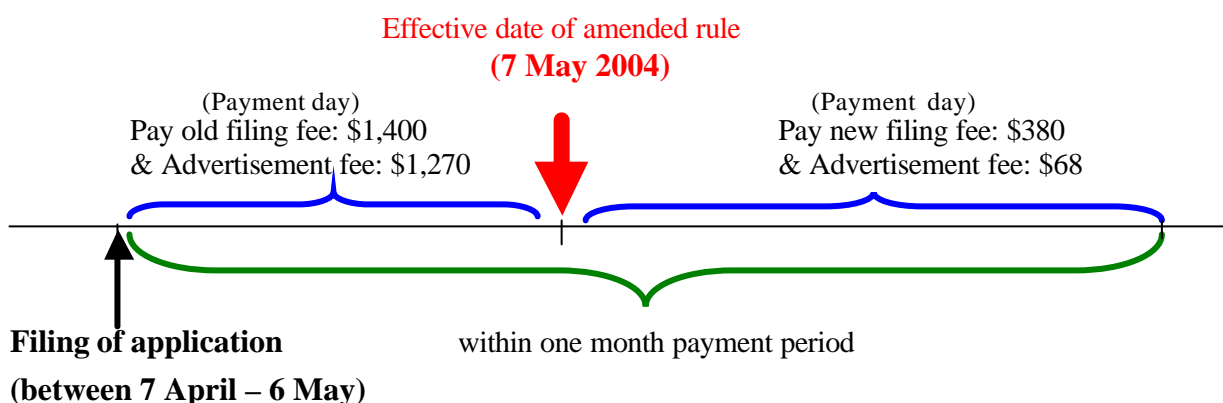
## Patents and designs: examples to illustrate the applicable fees after 7 May 2004

### **Paying the filing fees and advertisement fees for patent applications within the one month period under Section 15(4), 23(5) or 113(5) of the Patents Ordinance**

Q1. A request to record is filed on **7 April 2004** without the filing and advertisement fees. If the applicant pays these fees on **7 May 2004**, what are the applicable amounts?

A1. The new fees (\$380 + 68) apply. Under Section 15(4) of the Patents Ordinance, these fees are payable within 1 month from filing, i.e. latest by 7 May 2004. For payment on 7 May 2004, the new fees apply. (If payment is made on 6 May 2004, the old fees apply.)

#### **For example: Request to record (P4)**



The same applies to the calculation of filing and advertisement fees under Sections 23(5) and 113(5) of the Patents Ordinance.

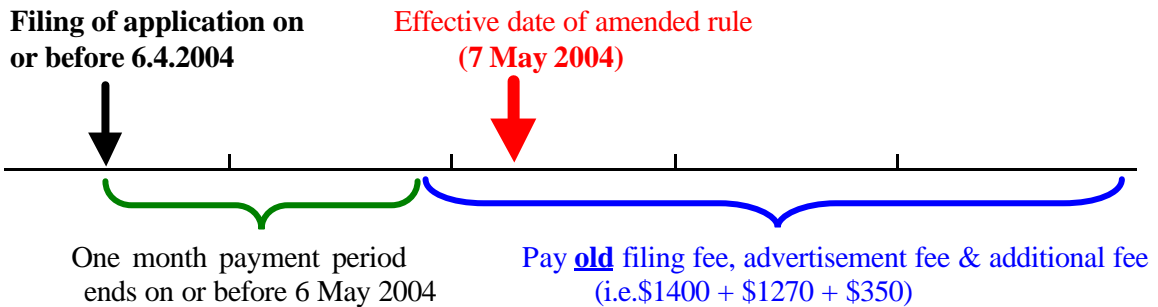
### **Paying the filing fees, advertisement fees and additional fees for patent applications within the grace period under Section 15(5), 23(6) or 113(6) of the Patents Ordinance**

Q2. A request to record is filed on **6 April 2004** without the filing and advertisement fees. Under section 15(4) of the Patents Ordinance, these fees are payable within 1 month from filing, i.e. by **6 May 2004**. The applicant hasn't paid these fees by 6 May 2004. What are the applicable amounts if he pays on **7 May**

2004?

A2. The old fees (\$1,400 + 1,270 + 350) apply. The last day for paying the filing and advertisement fees is 6 May 2004. Therefore fees at the rate prevailing on that date apply.

**For example: Request to Record (P4)**

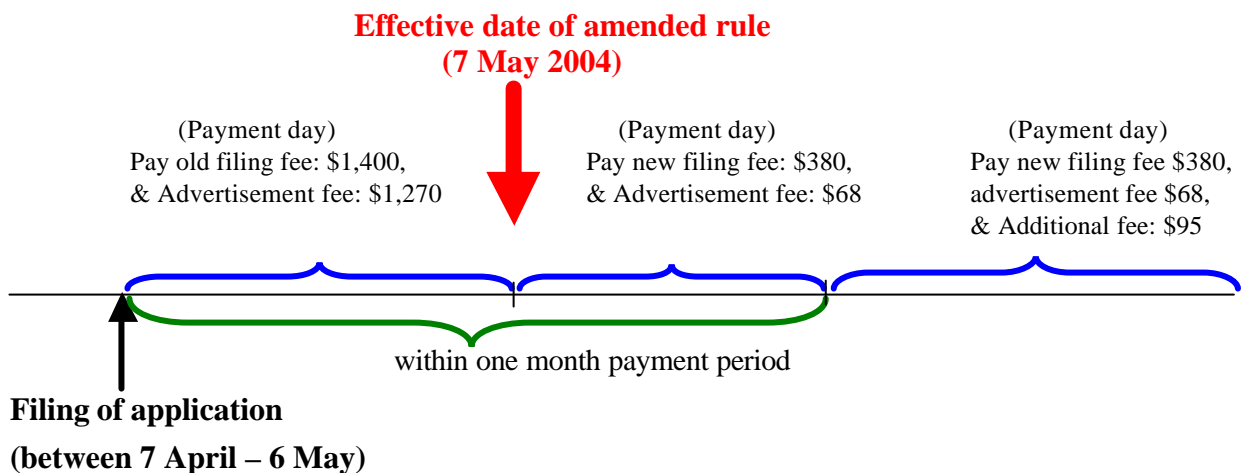


The same applies to the calculation of filing, advertisement and additional fees under Sections 23(6) and 113(6) of the Patents Ordinance.

Q3. A request to record is filed on **7 April 2004** without the filing and advertisement fees. The applicant has not paid the fees within the one month period under Section 15(4) of the Patents Ordinance (i.e. by **7 May 2004**). What are the applicable amounts if he pays on **8 May 2004**?

A3. The applicant needs to pay (\$380 + 68 + 95), i.e. at the prevailing rate on the last day of the one month period (i.e. 7 May 2004).

**For example: Request to record (P4)**



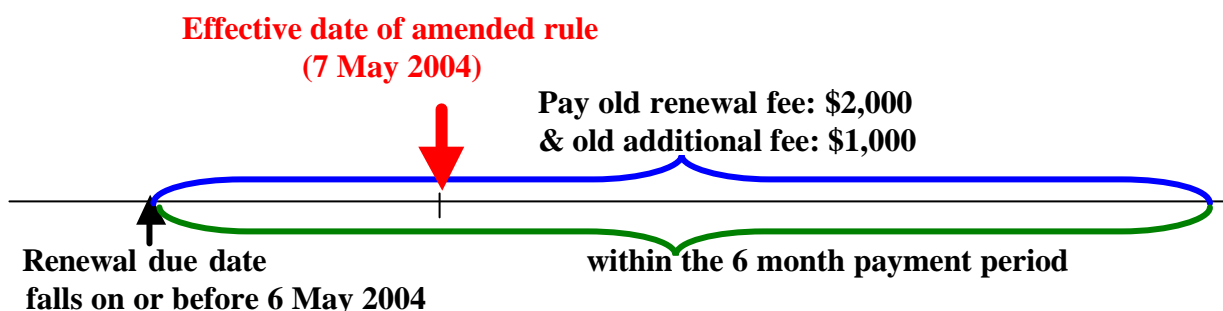
The same applies to the calculation of filing, advertisement and additional fees under Sections 23(6) and 113(6) of the Patents Ordinance.

**Paying the maintenance fee or renewal fee within the 6-month period under Section 33(4), 39(4) or 126(5) of the Patents Ordinance or Section 28(5) of the Registered Designs Ordinance**

Q4. A standard patent ceases to have effect on **6 May 2004** due to non-renewal. If the proprietor wishes to file a renewal request under Section 39(4) of Patents Ordinance on **7 May 2004**, what is applicable amount?

A4. The old fees (\$2,000 + 1,000) apply, i.e. the prevailing rate at the renewal due date (i.e. 6 May 2004).

**For example: Renewal fee for standard Patent (P10)**



The same applies to the calculation of the maintenance and additional fees under Section 33(4) of the Patents Ordinance and the renewal and additional fees under Section 126(5) of the Patents Ordinance or Section 28(5) of the Registered Designs Ordinance.

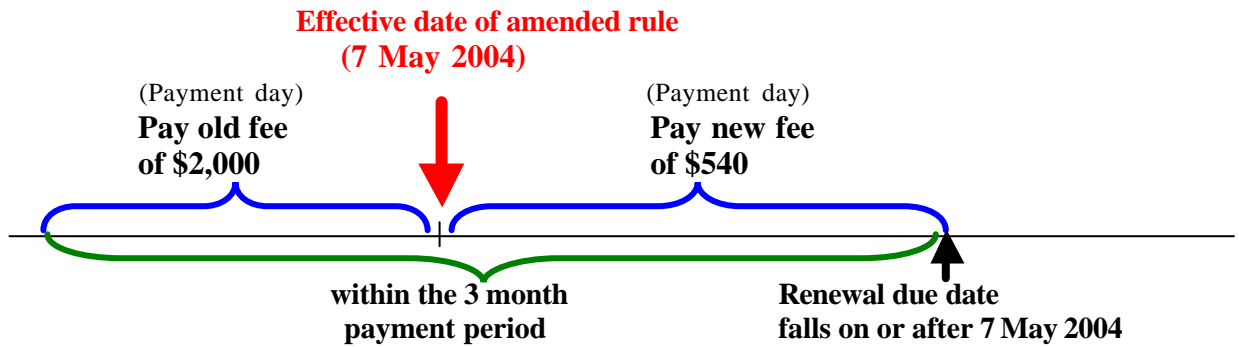
**Paying the maintenance fee or renewal fee under Section 33(2), 39(2) or 126(2) of the Patents Ordinance or Section 28(3) of the Registered Designs Ordinance**

Q5. A standard patent is due for renewal on **7 May 2004**. If the proprietor files a renewal request on **6 May 2004**, what is applicable amount?

A5. The old fee (\$2,000) applies, since the new fee is not yet in force on 6 May

2004. If the proprietor files the renewal request on 7 May 2004, i.e. on the statutory due date and when the new fees have come into force, the new fee (\$540) applies.

**For example: Renewal fee for standard Patent (P10)**



The same applies to the calculation of the maintenance fee under Section 33(2) of the Patents Ordinance and the renewal fee under Section 126(2) of the Patents Ordinance or Section 28(3) of the Registered Designs Ordinance.