

Newsletter

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Increase in the Official Fees of the Brazilian Patent Office as from 01 June 2009 Impact on the cost of substantive examination

The Brazilian Patent Office will implement an increase in the official fees as from 01 June 2009. This increase will have a significant effect on the examination fees, which will be calculated as follows:

- US\$ 250.00 (R\$ 500.00) for cases with up to 10 claims, plus
- US\$ 25.00 (R\$ 50.00) for each claim from 11 to 20 claims, plus
- US\$ 37.50 (R\$ 75.00) for each claim from 21 to 30 claims, plus
- US\$ 50.00 (R\$ 100.00) for each claim exceeding the first 30 claims

Just to give you an idea, we list below examples of the amounts of the official fees for applications with a certain number of claims (the amounts are in US dollars):

Claims	Old Fees	New Fees
10	200	250
20	295	500
30	390	875
50	580	1875
100	1055	4375
200	2005	9375

As you may know, the request for substantive examination in Brazil may be deferred for up to three years as from the filing date. This allows many of our clients to instruct us to postpone the request to the end of the available term. Normally, this postponement is extremely convenient because the Brazilian Patent Office no longer accepts voluntary amendments to an application after examination is requested, unless such amendments are clearly restrictive.

However, the new fees may have an important impact on the cost of prosecution of an application with a number of claims exceeding 30. For this reason, we must now ask for your comments concerning this matter, and your eventual instructions to immediately request the examination of applications you have placed under our care.

In the absence of such instructions, we shall presume that, after balancing the possibility of voluntarily amending the claims against the higher examination cost, you decided not to request examination at this moment.

Patent Department
MOMSEN, LEONARDOS & CIA.

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