



Administrative Committee

Table of Court Fees

Luxembourg, 8 July 2022

Explanatory Note

Introduction

According to Article 36 para. 3 UPCA the court fees of the UPC shall be fixed by the Administrative Committee. The draft decision submitted in this document contains a proposal for such court fees.

The proposal has been prepared by the Legal and Finance Working Groups with the involvement of participating Member States. The attached table of fees has been presented to and discussed by the Preparatory Committee of the UPC on various occasions and was finally approved at its 14th meeting on 24 / 25 February 2016 on the basis of document PC/09/Feb2016. The outcome of these discussions has been included in the final document. The submitted draft is subject only to minor amendments which are visible in the track-change version and explained below.

Amendments

1. Some drafting errors needed to be corrected. The references to the respective rules in the Rules of Procedures contained in square brackets have been adapted, where necessary.
2. The appeal pursuant to Rule 220.1 (a) and (b) [R 228] as to an application for provisional measures [R. 206.5] has only been moved down and regrouped together with the (other) interlocutory appeals [R. 220.1(c), 228] covering the further measures. The court fees for the respective orders for measures remain unchanged: Appeal as to an application of provisional measures (11,000 EUR, Rule 220.1(c), Art. 62 UPCA) and other orders (3,000 EUR, Rule 220.1 (c), Art. 49.5, 59, 60, 61, or 67 UPCA).

3. The appeal pursuant to Rule 220.2 [R. 228], for which leave has been granted by the Court of First Instance [R. 220.2] or which has been allowed by the Court of Appeal [R. 220.4] is missing in the table. It is proposed to set the fee at a lower level of 1,500 EUR since impact and complexity of these further orders under Rule 220.2 are in general lower than those of Rule 220.1(c) for which 3,000 EUR are foreseen.

4. For the Application for re-establishment of rights a fee had only been foreseen for the Court Appeal and has now been amended accordingly for the Court of First Instance.

5. For the appeal against cost decisions the table only foresaw a fee for the Application for leave to appeal of 1,500 EUR. Added is a fee for the actual appeal in case leave is granted of 3,000 EUR, Rule 221.4 [R. 228]. It is specified that in this case the fee of 1,500 EUR for the leave procedure does not arise.

DECISION OF THE ADMINISTRATIVE COMMITTEE

of 8 July 2022

1. Table of Court fees**Table of Court fees****I. Fixed fees (Court of First Instance)**

Procedures/actions	Fixed fee
Infringement action [R. 15]	11,200 €
Counterclaim for infringement [R. 53]	11,200 €
Action for declaration of non-infringement [R. 7068]	11,200 €
Action for compensation for license of right [R. 80. 23]	11,200 €
Application to determine damages [R. 132]	3,200 €

II. Value-based fees (Court of First Instance and Court of Appeal)

Value of action	additional value-based fee
Up to and including 500,000 €	0 €
Up to and including 750,000 €	2,500 €
Up to and including 1,000,000 €	4,000 €
Up to and including 1,500,000 €	8,000 €
Up to and including 2,000,000 €	13,000 €
Up to and including 3,000,000 €	20,000 €
Up to and including 4,000,000 €	26,000 €
Up to and including 5,000,000 €	32,000 €
Up to and including 6,000,000 €	39,000 €
Up to and including 7,000,000 €	46,000 €
Up to and including 8,000,000 €	52,000 €
Up to and including 9,000,000 €	58,000 €
Up to and including 10,000,000 €	65,000 €
Up to and including 15,000,000 €	75,000 €
Up to and including 20,000,000 €	100,000 €
Up to and including 25,000,000 €	125,000 €
Up to and including 30,000,000 €	150,000 €
Up to and including 50,000,000 €	250,000 €
more than 50,000,000 €	325,000 €

III. Other procedures and actions (Court of First Instance)

Procedures/actions	Fixed Fee
Revocation action [R. 467]	20,000 €
Counterclaim for revocation [R. 26]	same fee as the infringement action subject to a fee limit of 20,000 €
Application for provisional measures [R. 206.5]	11,000 €
Action against a decision of the European Patent Office [R. 88.3, 97.2]	1,000 €
Application to preserve evidence [R. 192.5]	350 €
Application for an order for inspection [R. 199.2]	350 €
Application for an order to freeze assets [R. 200.2]	1,000 €
Filing a protective letter [R. 207. 43]	200 €
Application to prolong the period of a protective letter kept on the register [R. 207. 98]	100 €
<u>Application for re-establishment of rights [R. 320.2]</u>	<u>350 €</u>
Application to review a case management order [R. 333.3]	300 €
Application to set aside decision by default [R. 356.2]	1,000 €

IV. Court of Appeal

Appeals/applications	Fee
Appeal pursuant to Rule 220.1 (a) and (b) [R. 228] as to an application for provisional measures [R. 206.5]	11.000 €
Appeal pursuant to Rule 220.1 (a) and (b) [R. 228] as to an infringement action [R. 15]	11,000 € + additional value-based fee according to table II
Appeal pursuant to Rule 220.1 (a) and (b) [R. 228] as to a counterclaim for infringement [R. 53]	11,000 € + additional value-based fee according to table II
Appeal pursuant to Rule 220.1 (a) and (b) [R. 228] as to a revocation action [R. 467]	20,000 €
Appeal pursuant to Rule 220.1 (a) and (b) [R. 228] as to a counterclaim for revocation [R. 26]	fee paid in the first instance
Appeal pursuant to Rule 220.1 (a) and (b) [R. 228] as to an action for declaration of non-infringement [R. 6870]	11,000 € + additional value-based fee according to table II
Appeal pursuant to Rule 220.1 (a) and (b) [R. 228] as to an action for compensation for license of right [R. 80.23]	11,000 € + additional value-based fee according to table II
Appeal pursuant to Rule 220.1 (a) and (b) [R. 228] as to an application to determine damages [R. 132]	3,000 € + additional value-based fee according to table II
Appeal pursuant to Rule 220.1(c) [R. 228] as to an application for provisional measures [Art. 62 UPCA, R. 206.5]	11,000 €
Appeal pursuant to Rule 220.1(c) [R. 228] as to an application for orders referred to in Art. 49.5, 59, 60, 61, or 67 UPCA	3,000 €
Application for rehearing [R. 250]	2.500 €
Appeal pursuant to Rule 220.1 (a) and (b) [R. 22897.5] as to an action against a decision of the European Patent Office [R. 88.3, 97.2]	1.000 €
Interlocutory appeals [R. 220.1(c), 228]	3.000 €

Appeals/applications	Fee
<u>Appeal pursuant to Rule 220.2 [R. 228], for which leave has been granted by the Court of First Instance [R. 220.2] or which has been allowed by the Court of Appeal [R. 220.4]</u>	<u>1.500 €</u>
<u>Request for discretionary review to the Court of Appeal [R. 220.3]. The fee does not arise if the appeal is allowed.</u>	<u>350 €</u>
<u>Appeal against cost decision pursuant to Rule 221.4 [R. 228]</u>	<u>3,000 €</u>
Application for leave to appeal against cost decisions [R. 221, 228]. <u>The fee does not arise if the appeal is allowed.</u>	1,500 €
Request for discretionary review [R. 220.3, 228]	350 €
Application for re-establishment of rights [R. 320.2]	350 €
Application to review a case management order [R. 333.3]	300 €
Application to set aside decision by default [R. 356.2]	1,000 €

2. Entry into Force

This Decision shall enter into force on 1st September 2022

Done at Luxembourg on 8 July 2022

For the Administrative Committee

The Chairman