



ADMINISTRATIVE AGREEMENT
BETWEEN
THE EUROPEAN PATENT OFFICE
AND
THE ITALIAN PATENT AND TRADEMARKS OFFICE

**ON THE SEARCH-FEE REDUCTION
UNDER THE WORKING AGREEMENT
ON SEARCH CO-OPERATION
TO SUPPORT SMALL ENTITIES**

The European Patent Office (hereinafter "EPO"), represented by its President, Mr António Campinos,

OF THE ONE PART,

and the Italian Patent and Trademarks Office (hereinafter "the national office"), represented by its Director General, Mr Antonio Liroi,

OF THE OTHER PART,

- Whereas a working agreement on search co-operation was signed on 18 June 2008 between the European Patent Organisation and the Italian Republic, including a revision of Article 11 adopted by the Administrative Council at its 165th meeting in December 2020;

- Whereas under that working agreement the search fee is fixed by the Administrative Council for a three-year period using the method adopted in CA/37/08 Rev. 1 and adjusted in CA/51/20;

- Whereas the Administrative Council has recognised that it is important to take into account the situation, especially financial, of certain categories of applicants such as independent inventors, small and medium-sized enterprises, universities and not-for-profit organisations, to enable them to gain access to patent protection at national level;

- Whereas under the Co-operation Framework under the Strategic Plan 2023 (CA/27/20) the proposal for a new policy relating to the working agreements on search co-operation (CA/51/20) which introduces search-fee reductions for small entities in the form of partial refunds or reductions to be charged to co-operation programmes, was adopted by the Administrative Council at its 165th meeting in December 2020;

HAVE AGREED AS FOLLOWS:

Article 1
Objective

To increase the potential benefits, for national applicants, of prior-art searches done by the EPO under the working agreements on search co-operation, the EPO will provide targeted categories of applicants with financial support in the form of a search-fee reduction. This support will be funded under the Co-operation Framework under the Strategic Plan 2023 (CA/27/20), which aims to respond to the specific situation of each member state of the Organisation.

Article 2
Eligibility

The search-fee reduction, funded under the Co-operation Framework in the form of a partial refund or reduction, is granted to national offices that have a working agreement on search co-operation in force.

Article 3
Categories of applicants assisted

(1) The search-fee reduction applies to searches carried out by the EPO on national first patent filings for the following categories of applicants having their residence or principal place of business within a contracting state, regardless of nationality:

(a) natural persons

(b) small and medium-sized enterprises (SMEs) as defined by the European Commission's recommendation of 6 May 2003, i.e. independent companies with fewer than 250 employees, turnover below EUR 50m or a balance sheet below EUR 43m, and no more than 25% of capital held by another company

(c) universities, research centres and not-for-profit organisations.

(2) If the national patent application has multiple applicants, all the co-applicants must belong to one of the above categories in order to be eligible for the reduction.

(3) The designation of applicants' status is managed by the national office under its own procedures. The national office must confirm to the EPO that it has identified the said status.

Article 4
Amount of the reduction

(1) The search-fee reduction is granted to the national office and represents 80% of the search fee paid to the EPO. The national office may set its national search fee at a level below the remaining 20% of the search fee paid to the EPO by granting additional subsidies.

(2) The national office must ensure that, for the cases covered by the present agreement, the national search fee paid by the applicant to the national office will be less or equal than 20% of the search fee paid to the EPO.

(3) Should the search fee paid by the applicant to the national office be higher than 20% of the search fee paid to the EPO, the national office will reimburse to the applicant the difference between the national search fee and 20% of the search fee paid to the EPO, unless the number of dossiers processed under the working agreement on search exceeds the maximum number of dossiers eligible for the price reduction under Article 5(1) of the present agreement. The reimbursement can be passed on to the applicant either by granting the applicant an initial reduction of the national search fee on filing or by a refund later, once the search report has been drawn up.

Article 5
Number of dossiers qualifying for the reduction

(1) The number of dossiers for which the fee reduction is granted is limited to 400 per year and country.

(2) This financial support is limited to five applications per year filed by the same natural person and to ten applications per year filed by the same university, research centre or not-for-profit organisation.

Article 6
Reimbursement or reduction arrangements

The national office has to choose one of the following two methods for receiving the financial support for small entities:

(a) Option 1 (quarterly, biannual or yearly requests)

- The national office pays the search invoices received from the EPO at the full rate fixed by the Administrative Council, once the searches have been carried out in accordance with the working agreement on search co-operation.
- The national office sends the EPO a statement of dossiers for which search invoices have been paid and which are eligible for support under Article 3 of the present agreement. This statement will preferably be in the form of the annexed Table 1.

- The national office sends the request for partial reimbursement of the search fee in the form of a quarterly, biannual or yearly invoice to the EPO.
- The EPO charges the invoices to its co-operation programme with the national office, on a quarterly, biannual or yearly basis. It settles them within thirty days of receipt of the request for partial reimbursement by the national office.

(b) Option 2 (monthly requests)

- The national office receives the search invoices from the EPO on a monthly basis with the list of search reports completed in the preceding month.
- The national office pays 100% of the search fee for applicants not eligible for support.
- The national office pays 20% of the search fee for small entities eligible for support within the limit set in Article 5.
- The national office sends the EPO a statement of all dossiers for which the monthly search invoices have been paid, preferably in the form of the annexed Table 2.
- The EPO charges the remaining 80% of the invoices for small entities eligible for support within the limit set in Article 5 to the budget of the co-operation programme with the national office.

Article 7

Duration of the agreement

- (1) The present agreement will apply from 1 January 2021 until 31 December 2023, and may be extended by the Administrative Council when revising the search fee.
- (2) Partial reimbursement or reduction will be granted for all search dossiers eligible under the present agreement invoiced between 1 January 2021 and 31 December 2023.
- (3) Once the present agreement has been signed, the national office will send the EPO the invoice for reimbursement and the statement of eligible applications for which search reports have been invoiced as from 1 January 2021.

Article 8
Extension of the agreement

- (1) An assessment of the impact of the present agreement will be presented to the Administrative Council by the EPO after consultation of the national office.
- (2) A recommendation to extend the present agreement may be presented to the Administrative Council by the EPO at the same time as the new search-fee amount for the next three-year period is proposed.
- (3) After approval of the recommendation under paragraph 2, the present agreement may be extended for the next three-year period under the same conditions.

Article 9
Entry into force

The present agreement will enter into force upon signature.

Done in two copies,

Munich, 23.12.2020

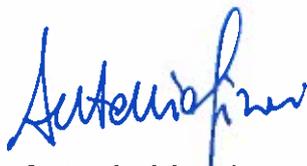
Roma, 5.01.2021

For the European Patent Office

For the Italian Patent and Trademark
Office



António Campinos
President



Antonio Lirosi
Director General

ANNEX

Table 1

ADMINISTRATIVE AGREEMENT EPO - NPO ON THE SEARCH-FEE REDUCTION TO SUPPORT SMALL ENTITIES
Option 1: Quarterly, biannual or annual request

	<i>National filing No.</i>	<i>Name of applicant (first name in the case of co-applicants)</i>	<i>Applicant type</i>	<i>EPO search ref.</i>	<i>Invoice No.</i>	<i>Invoice date</i>	<i>Search fee EUR</i>	<i>Refund requested (80%)</i>
e.g.	XX2020xxxxx	Applicant A	Type 2	NPO1	402101xx	dd.mm.2021	2 336	1 868.80
	XX2020yyyyy	Applicant B	Type 1	NPO2	402101xx	dd.mm.2021	2 336	1 868.80
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
TOTAL								0

Type 1: Natural persons

Type 2: Small and medium-sized enterprises

Type 3: Universities, research centres and not-for-profit organisations

The NPO certifies that the information in this table is correct and that the search-fee reduction has been passed on to the eligible applicant(s) on filing.

Date:

Name of signatory:

Table 2

ADMINISTRATIVE AGREEMENT EPO - NPO ON THE SEARCH-FEE REDUCTION TO SUPPORT SMALL ENTITIES
Option 2: Monthly request

Invoice No.:	
Date:	
Month/year:	

	<i>National filing No.</i>	<i>Name of applicant (first name in the case of co-applicants)</i>	<i>Applicant type</i>	<i>EPO search ref.</i>	<i>Search fee EUR</i>	<i>Copies EUR</i>	<i>Refund requested (80%/0%)</i>	<i>Invoices paid (20% - 100%)</i>	<i>Total EUR</i>
e.g.	XX2020xxxxx	Applicant A	Type 2	NPO1	2 338	6	1 868.80	467.20	473.20
	XX2020yyyyy	Applicant B	-	NPO2	2 336	6	0.00	2 336.00	2 342.00
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
TOTAL									0

Type 1: Natural persons

Type 2: Small and medium-sized enterprises

Type 3: Universities, research centres and not-for-profit organisations

The NPO certifies that the information in this table is correct and that the search-fee reduction has been passed on to the eligible applicant(s) on filing.

Date:

Name of signatory: