

This is a criminal statute. The language has been considerably simplified and the upper limit of the penalty is increased.

AMENDMENTS

1975—Pub. L. 93-596 substituted “Patent and Trademark Office” for “Patent Office”.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-596 effective Jan. 2, 1975, see section 4 of Pub. L. 93-596, set out as a under section 1111 of Title 15, Commerce and Trade.

CHAPTER 4—PATENT FEES; FUNDING; SEARCH SYSTEMS

Sec.

41. Patent fees; patent and trademark search systems.
42. Patent and Trademark Office funding.

AMENDMENTS

1991—Pub. L. 102-204, §5(d)(2)(B), (C), Dec. 10, 1991, 105 Stat. 1640, inserted “; FUNDING; SEARCH SYSTEMS” after “FEES” in chapter heading, inserted “; patent and trademark search systems” after “fees” in item 41, and substituted “Patent and Trademark Office funding” for “Payment of patent fees; return of excess amounts” in item 42.

§ 41. Patent fees; patent and trademark search systems

(a) GENERAL FEES.—The Director shall charge the following fees:

(1) FILING AND BASIC NATIONAL FEES.—

(A) On filing each application for an original patent, except for design, plant, or provisional applications, \$330.

(B) On filing each application for an original design patent, \$220.

(C) On filing each application for an original plant patent, \$220.

(D) On filing each provisional application for an original patent, \$220.

(E) On filing each application for the reissue of a patent, \$330.

(F) The basic national fee for each international application filed under the treaty defined in section 351(a) entering the national stage under section 371, \$330.

(G) In addition, excluding any sequence listing or computer program listing filed in an electronic medium as prescribed by the Director, for any application the specification and drawings of which exceed 100 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium), \$270 for each additional 50 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium) or fraction thereof.

(2) EXCESS CLAIMS FEES.—

(A) IN GENERAL.—In addition to the fee specified in paragraph (1)—

(i) on filing or on presentation at any other time, \$220 for each claim in independent form in excess of 3;

(ii) on filing or on presentation at any other time, \$52 for each claim (whether dependent or independent) in excess of 20; and

(iii) for each application containing a multiple dependent claim, \$390.

(B) MULTIPLE DEPENDENT CLAIMS.—For the purpose of computing fees under subparagraph (A), a multiple dependent claim referred to in section 112 or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made.

(C) REFUNDS; ERRORS IN PAYMENT.—The Director may by regulation provide for a refund of any part of the fee specified in subparagraph (A) for any claim that is canceled before an examination on the merits, as prescribed by the Director, has been made of the application under section 131. Errors in payment of the additional fees under this paragraph may be rectified in accordance with regulations prescribed by the Director.

(3) EXAMINATION FEES.—

(A) IN GENERAL.—

(i) For examination of each application for an original patent, except for design, plant, provisional, or international applications, \$220.

(ii) For examination of each application for an original design patent, \$140.

(iii) For examination of each application for an original plant patent, \$170.

(iv) For examination of the national stage of each international application, \$220.

(v) For examination of each application for the reissue of a patent, \$650.

(B) APPLICABILITY OF OTHER FEE PROVISIONS.—The provisions of paragraphs (3) and (4) of section 111(a) relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in subparagraph (A) with respect to an application filed under section 111(a). The provisions of section 371(d) relating to the payment of the national fee shall apply to the payment of the fee specified in subparagraph (A) with respect to an international application.

(4) ISSUE FEES.—

(A) For issuing each original patent, except for design or plant patents, \$1,510.

(B) For issuing each original design patent, \$860.

(C) For issuing each original plant patent, \$1,190.

(D) For issuing each reissue patent, \$1,510.

(5) DISCLAIMER FEE.—On filing each disclaimer, \$140.

(6) APPEAL FEES.—

(A) On filing an appeal from the examiner to the Patent Trial and Appeal Board, \$540.

(B) In addition, on filing a brief in support of the appeal, \$540, and on requesting an oral hearing in the appeal before the Patent Trial and Appeal Board, \$1,080.

(7) REVIVAL FEES.—On filing each petition for the revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, for the delayed response by the patent owner in any reexamination proceeding, for the delayed payment of the fee for maintaining a patent in force, for