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Regulations on the Administrative Fees of the Federal Patent Court

(FeeR-PatC)

of 28.09.2011

The Federal Patent Court,

on the basis of Article 20 paragraph 3 letter a of the Patent Court Act of 20 March 2009¹ (PatCA),

hereby enacts the following Regulations:

Art. 1 General principles

¹The Federal Patent Court will collect fees for special services rendered by the chancellery and issue invoices for expenses.

²The foregoing is without prejudice to the court fees for proceedings before the Federal Patent Court as provided for in the Regulations of ...² on Litigation Costs at the Federal Patent Court.

Art. 2 Obligation to effect payment of fees

¹Whoever avails him- or herself of a service according to these Regulations shall be subject to payment of a fee and shall assume the associated expenses, save as provided for by federal law provisions stipulating otherwise.

²Where there is a group of two or more persons subject to the payment of a fee, these persons shall incur joint and several liabilities for the payment of the fee.

SR

¹ SR 173.41

² SR

Art. 3 Exemption from the payment of fees

¹The federal authorities and institutions and those of the cantons and municipalities may be exempted from payment of fees where they avail themselves directly of a service and maintain reciprocity.

²Fees are waived for journalists for services rendered for them relating to court reporting at the Federal Patent Court.

³Fees may be waived for services for the benefit of non-profit institutions.

Art. 4 Calculation of fees

¹The following fees are charged:

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|---|--|
| a. Reproduction of documents: | for A4 photocopies: 50 centimes per page,
for A3 photocopies: 1 franc per page |
| b. Other copies: | actual costs |
| c. Research in the records of a closed case going beyond locating archived items and granting access to the archives at the Federal Patent Court: | 50 francs per half hour and fraction thereof; the fee may also be imposed in whole or in part where the location of archived records or granting access to the archives is associated with extraordinary effort and expense. |
| d. Other research work, compilations, special analyses and the like: | 60 francs per half hour and fraction thereof |
| e. Furnishing of judgements to third parties: | 40 francs |
| f. Certification of res judicata: | 40 francs |
| g. Certification of a signature: | 40 francs; where there is more than one signature to be certified on the same document, an additional 10 francs is charged per signature. |
| h. Certification of the correctness of an extract, executed copy, photocopy and the like: | 40 francs; where a document is comprised of more than one page, an additional 2 francs is charged for each additional page. |
| i. Administrative charge for handing infringements of provisions: | up to a maximum of 100 francs in a single instance. |

²For services under the Freedom of Information Act of 17 December 2004³, the rates in annex 1 of the Freedom of Information Ordinance of 24 May 2006⁴ shall apply.

Art. 5 Surcharge

An express surcharge of up to 50 per cent may be imposed where the service is rendered on an urgent basis upon request.

Art. 6 Expenses

Expenses of the Court will be additionally invoiced, namely

- a. Costs incurred for the procurement of necessary information, i.e. documents;
- b. Postage and telephone charges;
- c. Costs incurred for the transmission of a document by telefax: per page: 1 franc within Switzerland, 2 francs for destinations outside of Switzerland;
- d. Procurement costs of data carriers;
- e. Dunning costs: 20 francs for the first reminder, 30 francs from the second reminder on.

Art. 7 Cost estimates

Where fees including expenses exceed 200 francs, the projected costs will be announced in advance.

Art. 8 Advance on costs

In justified cases, in particular when a person subject to the payment of fees lives outside of Switzerland or is in arrears, an advance may be requested.

Art. 9 Imposition of fees

The Chief Court Registrar imposes the fees and the expenses with the services rendered.

Art. 10 Due date and prescription

¹Fees and expenses fall due for payment upon being imposed.

²Payment of fees and expenses shall be effected within 20 days upon falling due.

³Fee claims are subject to a limitation period of five years upon falling due. The limitation period will be interrupted by each administrative act by virtue of which a fee claim is asserted.

³ SR 152.3
⁴ SR 152.31

Art. 11 Method of payment

¹An invoice will be issued for fees and expenses.

²The fee for issuing documents will be collected by way of collection on delivery for amounts due up to 100 francs. Attorneys admitted to the bar in Switzerland and patent attorneys may be issued an invoice.

Art. 12 Entry into Force

These Regulations shall enter into force on 1 January 2012.

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In the name of the Federal Patent Court

The President: Dieter Brändle

The Second Ordinary Judge: Tobias Bremi