

U.S. Patent and Trademark Office, Commerce

§ 1.21

By a small entity (§1.27(a))	\$425.00
By other than a small entity	\$850.00

(f) For maintaining an original or re-issue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years; the fee is due by seven years and six months after the original grant:

By a small entity (§1.27(a))	\$975.00
By other than a small entity	\$1,950.00

(g) For maintaining an original or re-issue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years; the fee is due by eleven years and six months after the original grant:

By a small entity (§1.27(a))	\$1,495.00
By other than a small entity	\$2,990.00

(h) Surcharge for paying a maintenance fee during the six-month grace period following the expiration of three years and six months, seven years and six months and eleven years and six months after the date of the original grant of a patent based on an application filed on or after December 12, 1980:

By a small entity (§1.27(a))	\$65.00
By other than a small entity	\$130.00

(i) Surcharge for accepting a maintenance fee after expiration of a patent for non-timely payment of a maintenance fee where the delay in payment is shown to the satisfaction of the Commissioner to have been—

- (1) Unavoidable—\$700.00
- (2) Unintentional—\$1,640.00

(j) For filing an application for extension of the term of a patent (§1.740)—\$1,060.00

- (1) Application for extension under §1.740—\$1,120.00
- (2) Initial application for interim extension under §1.790—\$420.00

(3) Subsequent application for interim extension under §1.790—\$220.00

[56 FR 65153, Dec. 13, 1991, as amended at 57 FR 38195, Aug. 21, 1992; 57 FR 56450, Nov. 30, 1992; 58 FR 44280, Aug. 20, 1993; 60 FR 41022, Aug. 11, 1995; 61 FR 39588, July 30, 1996; 62 FR 40453, July 29, 1997; 63 FR 67580, Dec. 8, 1998; 64 FR 67777, Dec. 3, 1999; 65 FR 49195, Aug. 11, 2000; 65 FR 78960, Dec. 18, 2000; 65 FR 80755, Dec. 22, 2000; 65 FR 76772, Dec. 7, 2000]

§ 1.21 Miscellaneous fees and charges.

The Patent and Trademark Office has established the following fees for the services indicated:

(a) Registration of attorneys and agents:

(1) For admission to examination for registration to practice:

(i) Application Fee (non-refundable)—\$40.00

(ii) Registration examination fee—\$310.00

(2) On registration to practice—\$100.00

(3) For reinstatement to practice—\$40.00

(4) For certificate of good standing as an attorney or agent—\$10.00

Suitable for framing—\$20.00

(5) For review of a decision of the Director of Enrollment and Discipline under §10.2(c)—\$130.00

(6) For requesting regrading of an examination under §10.7(c):

(i) Regrading of seven or fewer questions—\$230.00

(ii) Regrading of eight or more questions—\$460.00

(b) Deposit accounts:

(1) For establishing a deposit account—\$10.00

(2) Service charge for each month when the balance at the end of the month is below \$1,000—\$25.00

(3) Service charge for each month when the balance at the end of the month is below \$300 for restricted subscription deposit accounts used exclusively for subscription order of patent copies as issued—\$25.00

(c) Disclosure document: For filing a disclosure document—\$10.00

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(d) Delivery box: Local delivery box rental, per annum—\$50.00

(e) International type search reports: For preparing an international type search report of an international type search made at the time of the first action on the merits in a national patent application—\$40.00

(f) [Reserved]

(g) Self-service copy charge, per page—\$0.25

(h) For recording each assignment, agreement or other paper relating to the property in a patent or application, per property—\$40.00

(i) Publication in Official Gazette: For publication in the Official Gazette of a notice of the availability of an application or a patent for licensing or sale:

Each application or patent—\$25.00

(j) Labor charges for services, per hour or fraction thereof—\$40.00

(k) For items and services that the Commissioner finds may be supplied, for which fees are not specified by statute or by this part, such charges as may be determined by the Commissioner with respect to each such item or service—Actual Cost

(l) For processing and retaining any application abandoned pursuant to § 1.53(f), unless the required basic filing fee (§ 1.16) has been paid—\$130.00

(m) For processing each payment refused (including a check returned “unpaid”) or charged back by a financial institution—\$50.00.

(n) For handling an application in which proceedings are terminated pursuant to § 1.53(e)—\$130.00

(o) Marginal cost, paid in advance, for each hour of terminal session time, including print time, using Automated Patent System full-text search capabilities, prorated for the actual time used. The Commissioner may waive the payment by an individual for access to the Automated Patent System full-text search capability (APS-Text) upon a showing of need or hardship, and if

such waiver is in the public interest—\$40.00

[56 FR 65153, Dec. 13, 1991, as amended at 57 FR 38195, Aug. 21, 1992; 57 FR 40493, Sept. 3, 1992; 59 FR 43741, Aug. 25, 1994; 60 FR 20222, Apr. 25, 1995; 60 FR 41022, Aug. 11, 1995; 61 FR 39588, July 30, 1996; 61 FR 43400, Aug. 22, 1996; 62 FR 40453, July 29, 1997; 62 FR 53183, Oct. 10, 1997; 63 FR 67580, Dec. 8, 1998; 65 FR 33455, May 24, 2000; 65 FR 49195, Aug. 11, 2000]

§ 1.22 Fees payable in advance.

(a) Patent and trademark fees and charges payable to the Patent and Trademark Office are required to be paid in advance, that is, at the time of requesting any action by the Office for which a fee or charge is payable with the exception that under § 1.53 applications for patent may be assigned a filing date without payment of the basic filing fee.

(b) All fees paid to the United States Patent and Trademark Office must be itemized in each individual application, patent, trademark registration file, or other proceeding in such a manner that it is clear for which purpose the fees are paid. The Office may return fees that are not itemized as required by this paragraph. The provisions of § 1.5(a) do not apply to the re-submission of fees returned pursuant to this paragraph.

(35 U.S.C. 6, Pub. L. 97–247)

[48 FR 2708, Jan. 20, 1983, as amended at 65 FR 54659, Sept. 8, 2000]

§ 1.23 Methods of payment.

(a) All payments of money required for United States Patent and Trademark Office fees, including fees for the processing of international applications (§ 1.445), shall be made in U.S. dollars and in the form of a cashier’s or certified check, Treasury note, national bank notes, or United States Postal Service money order. If sent in any other form, the Office may delay or cancel the credit until collection is made. Checks and money orders must be made payable to the Director of the United States Patent and Trademark Office. (Checks made payable to the