



Resolution of the Executive Committee

19 May 2021

“Fee reduction – remedies in case of an inaccurate declaration”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled online for a meeting of its Executive Committee held on 19 May 2021, passed the following resolution:

OBSERVING that in some jurisdictions it is possible for certain categories of applicants and patentees to obtain a reduction in official fees; the rationale generally being to encourage use of the patent system by such categories of applicants and patentees;

NOTING that certain conditions must be met to qualify for such fee reductions, and that the applicant or patentee generally must declare that these conditions are met;

FURTHER NOTING that it is possible for applicants and patentees inadvertently to make an inaccurate declaration, or to fail to rescind a declaration when they no longer qualify for such fee reductions;

ALSO NOTING that in some jurisdictions the making of an inaccurate declaration or the failure to rescind a declaration when required may lead to a loss of rights, including loss of the patent application or patent, and that in some cases such loss may be irremediable;

BELIEVING that applicants and patentees should not be exposed to an irremediable loss of rights which results from an inadvertent inaccurate declaration or failure to rescind a declaration;

URGES Authorities to provide procedures to enable applicants and patentees in these situations to pay retrospectively any fees due without loss of rights, and, in case of any actual loss of rights in these situations, to make it possible for applicants and patentees to restore their rights;

FURTHER URGES Authorities to apply an “unintentional” standard to such procedures.