

ANNUAL PAYMENTS FOR SPANISH PATENTS, UTILITY MODELS AND EUROPEAN PATENTS VALIDATED IN SPAIN

- For payment of granting rights on patents or utility models requested before 1 April 2017, see this [section](#).

Until the granting of a patent or a utility model is published in the BOPI (Industrial Property Official Bulletin) no annual payments are due.

Annual payments for the first and second years are included in the application fee and therefore do not need to be paid.

The annual payments for a Spanish patent, a utility model or a European patent validated in Spain must be paid in advance, throughout the whole term of the corresponding title.

If the titleholder of a European patent decides to validate their patent in Spain, they must take into account that the annual payments must be paid to the SPTO from the year of the patent following that in which the granting of the European patent was published in the European Patent Bulletin (EPB) (see example 2 at the end of the document).

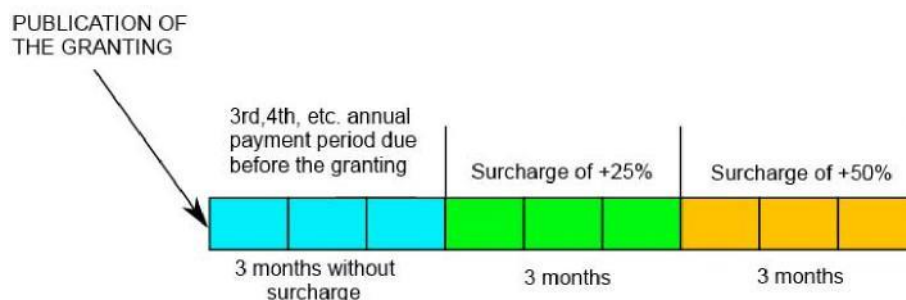
When does the annual payment obligation begin?

The date on which the obligation to pay begins is called the *accrual date*, and for the annual payments of patents and utility models it is yearly on the last day of the month in which the application was filed.

Example: If the patent application was filed on 14 June 2017, all its annual payments must be paid by 30 June of every year the patent is valid (last day of the month in which the application was filed). This means that the third annual payment must be paid on 30 June 2019 and not 2020, as annual payments are made in advance (2017+3-1).

What is the deadline for annual payments?

- a) Annual payments for Spanish patents and utility models which are due before publication of the granting in the Industrial Property Official Bulletin (does not affect European patents to validate in Spain):



- b) Annual payments for Spanish patents and utility models which are due after publication of the granting in the Industrial Property Official Bulletin and annual payments for European patents validated in Spain:



VERY IMPORTANT: with Law 24/2015 on Patents, you cannot pay annual payments before their accrual,

What is the amount to be paid for the annual payments?

Each annual payment must be paid according to the fees table in effect at the time of accrual for said annual payment.

If the titleholder has submitted an offer application for a licence affording full rights, the amount of the annual payments is reduced by 50% from the date of the aforementioned offer application.

Only for patent or utility model applications subsequent to 1 April 2017: those applicants who have been recognised as having Entrepreneur status will benefit from a 50% reduction on the 3rd, 4th and 5th annual payments. Spanish Public Universities will be entitled to a 50% discount on all annual payments. Provided that they prove that, within the period established in Article 90.2, there has been a real and effective economic application of the patent or utility model the discount will be 100%. In this case, universities may request a refund for the amount of any fees paid.

The tables of fees for the past 20 years can be viewed on the SPTO website using the following link: [Annual payments for Patents and Utility Models for previous years](#)

How are annual payments made?

See the explanation on the SPTO website at: [oepm>start>payment methods](#). Electronic payment. Documents for in-person payment: http://oepm.es/es/Formas_de_pago.html

Patents and utility models for public universities applied for prior to 1/4/17; divisions and changes of modality for them.

Patents and utility models requested by public universities before 1 April 2017 shall continue to be exempt from annual payments (Law 11/1986 on Patents and Article 80 of Organic Law 6/2001, dated December 21, on Universities).

Furthermore, patents or utility models arising from a division or change of modality of applications from public universities prior to 1.4.17 shall be exempt from annual payments (first transitional provision of Law 24/2015).

The deadline for paying fees is as set out in Law 24/2015.

Examples can be seen at the end of this document

PAYMENT OF GRANTING RIGHTS ON A PATENT OR UTILITY MODEL APPLIED FOR PRIOR TO 1 APRIL 2017 (LAW 11/1986 ON PATENTS).

The granting rights of a patent or utility model applied for before 1 April 2017 and processed under Law 11/1986, of March 20, on Patents, must be paid from the day following publication of the granting in the Industrial Property Official Bulletin (BOPI).

The period in which to pay for granting rights is three months and ten working days from publication of the granting in the Industrial Property Official Bulletin.



Granting rights must be paid for in full on the date the granting is published in the Industrial Property Official Bulletin.

Fee	Due date	Fee year	Patent year	Payment without surcharge	Payment with 25% surcharge	Payment with 50% surcharge	Payment regularisation	Comments
				Deadline	Deadline	Deadline	Deadline	
5th annual payment	30/04/2017	2017	13/04/2017 - 12/04/2018	May, June and July 2017 3 months after the due date	August, September and October 2017. 3 additional months.	November, December 2017 and January 2018. 3 additional months.	February, March and April 2018. 3 additional months, until the next due date.	The publication date of the granting is prior to the patent's 5th year. Payable through the SPTO.