



Australian Government

IP Australia

# Maintaining your Application or Patent

## How do I maintain my Application or Patent?

### • Standard patents

Maintaining your standard patent application or subsequent patent means paying an annual fee. This is usually due on, or before, the anniversary of the filing date of your complete application. You only pay maintenance fees from the fifth anniversary of the filing date and the fee increases at each anniversary:

- fifth anniversary \$250
- sixth anniversary \$250
- seventh anniversary \$250
- eighth anniversary \$250
- ninth anniversary \$250
- tenth anniversary \$400
- eleventh anniversary \$400
- twelfth anniversary \$400
- thirteenth anniversary \$400
- fourteenth anniversary \$400
- fifteenth anniversary \$900
- sixteenth anniversary \$900
- seventeenth anniversary \$900
- eighteenth anniversary \$900
- nineteenth anniversary \$900

The maximum term of a standard patent is 20 years from the filing date.

### • Innovation patents

An Innovation Patent is initially granted for two years. Annual renewal fees are then necessary for maintaining your patent from the second anniversary to the seventh

anniversary.

### Innovation fees:

- second anniversary \$100
- third anniversary \$100
- fourth anniversary \$100
- fifth anniversary \$160
- sixth anniversary \$200
- seventh anniversary \$230

The maximum term of an innovation patent is eight years.

### Note:

- *The fees listed in this sheet are correct at the time of printing but may change periodically. Check with your nearest IP Australia State Office or on our website [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au).*

## If you forget to pay the fee

You can pay your maintenance fee up to six months after the anniversary date without losing your rights but you will have to pay an additional fee of \$100 for each month or part month that payment is late. If you don't pay your fee in this period your application or patent will lapse.

If your application has lapsed it may be possible to recover your rights by applying for an extension of time. This is only possible if you unintentionally missed paying the fee before the due date. For further information please see the fact sheet *Applying for an Extension of Time*.



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## The Patent Register

When we grant your patent we record details about it in the Patent Register and it is important that you keep this information up to date. Contact us if:

- the owner of the patent changes name or address;
- the ownership of the patent changes, e.g. by assignment;
- you licence the invention to someone else; or
- you are aware of any errors in the details recorded on the Patent Register.

To record name changes, ownership or licensing details you must apply to have the Register updated, pay a fee and provide supporting evidence.

## Renewal Reminder Service

IP Australia has a reminder service for customers designed to provide an alert to upcoming due dates for the payment of fees for maintaining applications and patents.

This service is only available to applicants and patentees recorded on IP Australia's PAMS (Patent Administration Management System) system as not being represented by a registered patent attorney.

Currently the service is limited to those applications and patents which are in the PAMS system within IP Australia. Generally, this will be innovation patent applications filed from 24 May 2001 and standard patent applications filed from 5 July 2002.

However, as this is merely a reminder service, the obligation for timely payment of the fees lies entirely with the applicant or patentee. In this respect, IP Australia accepts no responsibility if you fail to receive a reminder notice for any reason.

## Seek Professional Advice

This sheet provides only basic information. Patent matters can involve complex legal issues and it may be in your best interests to consult a patent attorney, solicitor experienced in intellectual property matters, or your business adviser.

For a list of IP professionals, visit the IP Australia website [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au) or search your local Yellow Pages Directory.

### Disclaimer:

This information is intended to help the reader gain a basic understanding of some IP principles. It is not designed to provide legal, business or other relevant professional advice. IP Australia recommends that you seek independent legal, business or other relevant specialist advice.

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