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ACT
on Administrative Fees
of November 26, 2004

The Parliament has adopted the following act of the Czech Republic:

§ 1
Subject-matter of the Act

This Act specifies administrative fees (hereinafter “fees” only) and the execution of their administration, especially their assessment and collection, carried out by executive bodies as well as bodies of self-governing regions and bodies of legal entities that operate in the sphere of public administration (hereinafter “administrative bodies” only).

§ 2
Subject-matter of the fees

(1) The fees are paid for administrative proceedings based on the special regulation and other activities of administrative bodies related to the execution of public administration (hereinafter “transactions” only). Transactions that are subject to payment of fees are defined in individual items of the List of Administrative Fees, which forms an appendix of this Act (hereinafter “List” only). Individual items of the List also contain possible cases of exemption from the fee, authorisation of the administrative body to determine the amount of the fee or remarks that describe details of individual transactions.

(2) Transactions started by an administrative body within its jurisdiction with the exception of local investigation and acts connected with offence and criminal proceedings are not subject to payment of fees unless the List specifies otherwise.

§ 3
Fee payers

(1) A fee payer is a natural person or legal entity that has submitted an application or another proposal for the execution of a transaction to an administrative body or person in the interest of which the transaction was executed.

(2) If more payers become obliged to pay a fee for the same transaction, they will pay it jointly and severally unless the List specifies otherwise.

§ 4
Fee rates and rounding

Fee rates are specified in the List as fixed sums or percentage of a fee base expressed in money (hereinafter the “percentage fee” only). The base of the percentage fee is rounded up to tens of Czech crowns.

§ 5
Assessment and collection of fees, maturity of fees and consequence of default in payment

(1) Fees are assessed, collected and enforced by the administrative body that is competent to execute the particular transaction unless the List specified otherwise.

(2) Fees defined in the List as a fixed sum are payable either on the presentation of the application or later, however always before the execution of the transaction in accordance with their delimitation in individual items of the List unless the List specifies otherwise. If the payer does not pay the fee within the time limit, the administrative body will ask him/her to do so within the period of 15 days from the delivery of the notice asking the payer to pay, which is a decision in accordance with the special judicial regulation referring to tax administration. In the notice the administrative body will inform the payer about consequences of a default in payment. An appeal can be lodged against the notice within the period of 15 days from the day that follows after its delivery.

(3) Percentage fees and other fees in the case of which the List specifies so are assessed by the administrative body with a fee assessment and they are payable within the period of 15 days from the day that follows after the delivery of the fee assessment. The administrative body assesses arrears of fees in a similar way.

(4) If the payer does not pay the fee within the time limits specified in sections 2 and 3, the administrative body will suspend the started proceedings or will not execute the transaction unless the List specifies otherwise. If the payer pays the fee after the time limits specified in sections 2 and 3, the administrative body will continue the proceedings as if the fee were paid in time if the body has not decided on stopping the proceedings. However, if the fee is paid by the end of the period of appeal against this decision, the decision ceases to be valid and the administrative body will indicate this fact in the file in the form of an official record.

(5) The administrative body will only issue the result of the executed transaction after the payment of the particular fee unless the List specifies otherwise. The periods for the issue of the decision specified in special judicial regulations do not run in the period from the delivery of the notice until the fee is provably paid.

(6) Surcharges, late fees, late interest or interest for the period of waiting for the payment of the fee, set forth in the special judicial regulation dealing with tax administration are not applied.

§ 6 Payment of fees

(1) Fees are paid in the Czech currency unless this Act specifies otherwise (sections 2, 3 and 5).

(2) Czech diplomatic offices assess percentage fees in that foreign currency in which the fee base is expressed. If the subject-matter of the transaction executed by the Czech diplomatic office is related to financial funds of the payer and the diplomatic office has these funds in its administration, it can deduct the fee from these financial funds.

(3) Diplomatic offices can also collect fees determined as a fixed sum

- (a) in the currency of the state of their seat
- (b) in the currency of another state if the Czech National Bank announces the foreign exchange rate of this currency

(4) For the purposes of paying a fee in accordance with section 2 and 3 the Czech diplomatic office will convert the sum from Czech currency to the foreign currency and vice versa in accordance with the foreign currency exchange rate announced by the Czech National Bank as of the last day of the calendar month preceding the payment period of the fee determined as a fixed sum or with a fee assessment for the whole following calendar month. In the case of conversion of currencies the exchange rate of which is not announced by the Czech National Bank the diplomatic office will use the exchange rate between the US dollar and the

local currency announced by the central bank of the state in which the diplomatic office has its seat, also as of the preceding calendar month and for the whole following calendar month.

(5) Fees paid at Czech border crossings can also be collected by administrative bodies in a foreign currency that is bought by Czech banks.

(6) Czech administrative bodies at Czech border crossings convert Czech currency into a foreign currency and vice versa in accordance with the foreign exchange rate announced by the Czech National Bank on Friday in the week that precedes the due date of a fee determined as a fixed sum or due date of a fee assessed with a payment assessment for the whole following week. The Czech administrative body may return surplus payment of a fee (§ 7, point 2) that was paid in a foreign currency in the Czech currency.

(7) Fees converted from the Czech currency to a foreign currency and vice versa are rounded up to whole currency units unless the List specifies otherwise.

(8) Fees assessed and collected by administrative bodies based in the territory of the Czech Republic with the exception of fees assessed and collected by bodies of self-governing regions and fees assessed and collected at Czech border crossings can be paid with duty stamps if the fee does not exceed 5000 CZK. In the other cases with the exception of fees assessed and collected by Czech diplomatic offices and bodies of self-governing regions fees are paid to a special account of the state budget. The special account of the state budget is established with the Czech National Bank by the respective administrative body with consent of the Ministry of Finance. In the case of Czech diplomatic offices fees are paid to accounts of these bodies abroad and the way of payment of fees of bodies of self-governing regions are determined by these bodies in accordance with the special judicial regulation dealing with tax administration.

§ 7 Returning fees

(1) The administrative body will return the fee fully on request of the person that paid it

- a) if the required transaction defined in individual items of the List is not executed and if it is not the case of a fee the subject-matter of which is an application, proposal, suggestion, objection announcement or notice accepted by the administrative body;
- b) if a fee was paid that is not defined in the list;
- c) if the fee was paid by a person that is not a fee payer in the sense of this Act.

(2) On the payer's request the administrative body will return the sum that the payer paid over the sum specified in the List (hereinafter "surplus fee" only).

(3) It is not possible to lodge an appeal against a decision on returning a fee and decision on returning a surplus fee in accordance with sections 1 and 2.

(4) If a payer only paid the fee after the decision of the administrative body on stopping the proceedings in accordance with § 5, section 4, the administrative body will only return 50% of the paid fee on the payer's request if the sum exceeds 100 CZK.

(5) It is the administrative body that the fee was paid to that decides on returning the fee, its part or surplus fee and that returns the fee, its part or surplus fee. If the fee was paid with a duty stamp, the body will return it from a special account of the state budget. If the administrative body does not have such a special account of the state budget, the fee paid with a duty stamp will be returned by the local financial office with competence in the region

where the administrative body has its seat on the basis of a decision of the administrative body.

(6) Sections 1 to 5 will not be applied for returning a fee if the List specifies otherwise.

§ 8 Exemption from fees

(1) Exempt from fees are

- a) state bodies and state funds;
- b) diplomatic offices of other countries and delegated diplomats, professional consuls and other persons if they are citizens of other states and enjoy privileges and immunity in accordance with the international law, if mutuality is guaranteed and if the transactions are not executed in the personal interest or for mutual benefit of these persons;
- c) self-governing regions and their bodies if they request transactions in connection with the execution of public administration they are delegated to;
- d) legal entities if they request transactions in connection with the execution of public administration they are delegated to;
- e) natural persons and legal entities if such exemption results from international treaties and agreements that the Czech Republic is bound with.

(2) Exempt from fees are transactions

- a) connected with the execution of special judicial regulations on social security, pension insurance, public health insurance, state social allowances, illness insurance, insurance fees for general health insurance, insurance fees for social benefits and contributions to the state employment policy, social-legal protection of children, social care, matters of military service of citizens and matters of the civilian service with the exception of the fee for the issue or replacement of a card of extraordinary benefits for severely disabled persons;
- b) carried out due to a change or correction of the name of a village, town, region, street, another public area, personal identity number or transactions executed as a result of administrative decisions;
- c) for bodies of a self-governing region executed by the office of the same self-governing region;
- d) for purposes of the inheritance procedure pursued by a notary as a judicial commissioner;
- e) for purposes of seizure proceedings pursued by a judicial seizure officer;
- f) for purposes of using the right to vote;
- g) connected with providing foreigners with temporary protection;
- h) if international treaties and agreements that the Czech Republic is bound with specify so;
- i) executed due to a natural disaster in the territory of the Czech Republic; for the purposes of this Act natural disasters are a fire and explosion not caused intentionally, lightning, hurricane and wind with a speed of more than 75 km/h, flood, hail, landslide and rock collapse if these phenomena did not occur in connection with industrial or construction activities, avalanche activities and earthquake reaching at least the 4th degree of the Richter's International Scale defining earthquake effects;
- j) requested and executed through remote access, signed with an electronic signature based on a qualified certificate issued by an accredited provider of certification services if the amount of the fee does not exceed 2000 CZK.

(3) In the result of a transaction that is exempt from the fee in accordance with section 2, letter a) to i) the administrative body will indicate the purpose of the transaction.

(4) Other persons and transactions are exempt from fees in the scope defined in the List.

(5) The administrative body is authorised to reduce or increase fees or waive collection of a fee in the scope defines in the List.

§ 9 Proceedings

Proceedings concerning the matters of fees are governed by the special judicial regulation dealing with tax administration unless this Act specifies otherwise.

§ 10 Supervision of regional financial bodies over state budget income

(1) Regional financial bodies check whether administrative bodies assess, receive, collect or return fees that represent an income of the state budgets in time and in amounts corresponding to this Act. Local competence of regional financial bodies results from the seat of the administrative body that is subject to such checks.

(2) If the regional financial body finds any shortcomings it will notify the administrative body of the particular shortcomings and of the duty to enforce fees and it will specify a time period for remedial measures in the record of the inspection.

(3) If the right to enforce arrears of a fee lapses, the regional financial body will impose the duty on the administrative body to pay the missing sum to the state budget instead of the payer from the budget of the administrative body with a decision in accordance with the administrative order.

§ 11 Temporary provisions

If proceedings concerning the subject-matter of a fee were started before the day this Act became effective, the fee will be collected in accordance with hitherto legal regulations even in cases the fee becomes payable after this Act becomes effective.

§ 12 Empowering provisions

After declaring a state of danger or state of war the government is empowered for the period of the state of danger or state of war with a decree in the necessary scope to secure the emergency or war state budget⁷²

- a) to modify subject-matters and rates of fees specified in the list
- b) to exempt armed forces, armed security corps, fire brigades and emergency service from fees.

§ 13 Cancellation provisions

The following regulations are cancelled:

1. Act no. 368/1992 Coll. on Administrative Fees as amended by later provisions
2. Regulation no. 81/1995 Coll. on Exemption from Administrative Fees
3. Regulation no. 81/1995 Coll. on Exemption from an Administrative Fee

⁷² § 31 and 32 of the Act no. 218/2000 Coll. on Budgetary Rights and on changes of some related acts (budgetary rights).

§ 14
Effect

(1) This Act becomes effective on the thirtieth day after its announcement with the exception specified in section 2.

(2) Items 117A and 144A of the List become effective on the day of cancellation of border controls defined for the Czech Republic in the decision of the EU Council on the validity of the agreement signed on June 19, 1990 in Schengen between Belgium, Germany, France, Luxembourg and the Netherlands concerning execution of the agreement signed on June 14, 1985 on gradual removal of controls at common borders.

(3) On the day of cancellation of border controls defined for the Czech Republic in the decision of the EU Council on the validity of the agreement signed on June 19, 1990 in Schengen between Belgium, Germany, France, Luxembourg and the Netherlands concerning execution of the agreement signed on June 14, 1985 on gradual removal of controls at common borders items 117 and 144 of the List will lose their validity.

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Applicable wording of PART XI of the Annex to Act No. 634/2004 Coll., on administrative fees

Notes to Part XI

Pursuant to this part of the tariff, fees are collected only by the Industrial Property Office.

Item 126

Provision of a counterpart, copy, or an extract from the Register, files, official documents and records

CZK 100 for each, even commenced, page

CZK 15 for each, even commenced, page
if made using a copying machine or
computer printer

Note

Each commenced page shall mean, for the purposes of this Act, an issued page in A4 format and smaller.

Item 127

- a) Filing of a request:
 - for first extension of a time limit CZK 200
 - for any subsequent extension of a time limit CZK 500
 - for surrender of the lapse of time
CZK 1000

- b) Filing of an appeal against a decision of the Industrial Property Office CZK 1000

- c) Filing of a request:
 - for issuance of a certificate of the right of priority (priority document) CZK 600
 - for registration of a transfer CZK 600
 - for registration of a license CZK 600
 - for registration of a security interest CZK 600
 - for conversion of a European application⁷³⁾ CZK 600 for each state to which the application is sent

Note

In trademark-related proceedings, the fee for filing an appeal pursuant to paragraph b) of this item shall be due for reimbursement within the time for filing an appeal. If the fee is not reimbursed on the due date, the appeal shall be deemed not to have been filed and the provisions pertaining to the reimbursement of an overdue fee and to the call for such reimbursement shall not apply.

Inventions and Supplementary Protective Certificates

Item 128

- a) Filing of an application for registration of an invention CZK 1200
 - if solely the originator(s) is/are the applicant(s) CZK 600

- b) Filing of a request:
 - for a publication prior to a statutory time limit CZK 800

- for access to a translation of requirements for a European patent application, including access to the corrections of translations CZK 500
- c) Filing of a request for complete examination of an invention registration application CZK 3000
 - for the 11th and every other asserted patent claim CZK 500
- d) Issuance of a patent certificate within the scope of:
 - 10 pages of typed text CZK 1600
 - every other page CZK 100
- e) Publication of a translation of a European patent file CZK 2000
 - for the publication of corrections of the translation CZK 100
- f) Submission of a translation of a European patent file within an additional time CZK 3000
- g) Filing of a request for issuance of a supplementary protective certificate CZK 5000
- h) Filing of a request for paediatric extension of the supplementary protective certificate CZK 5000

Item 129

- a) Filing of a request for determination whether a technical solution constitutes a patent CZK 5000
- b) Filing of an application for revocation of:
 - a patent upon the expiration of 6 months from legal force of the patent CZK 2000
 - a European patent CZK 2000
 - supplementary protective certificate CZK 2000

Item 130

Industrial Property Office's acts associated with filing an international application pursuant to the Patent Cooperation Treaty CZK 1500

Utility Models

Item 131

Filing of an application for a utility model CZK 1000
 - if solely the originator(s) is/are the applicant(s) CZK 500

Item 132

Filing of a request for determination whether a technical solution falls within the scope of a registered utility model CZK 5000

Item 133

Filing of an application for deletion of a utility model from the Register CZK 2000

Item 134

Filing of a request for any extension of validity of the registration of a utility model

CZK 6000

Notes

1. If a utility model is registered upon the expiration of the period of its validity, the fee for extension shall be due for reimbursement within 2 months from the registration date.
2. If the fee is not reimbursed within the set time limit, it can be reimbursed within an additional time limit of 6 months, increased by a factor of 2.

Designs

Item 135

- a) Filing of an application for a design CZK 1000
 - if solely the originator(s) is/are the applicant(s) CZK 500
- b) Filing of a collective application for a design CZK 1000
 - if solely the originator(s) is/are the applicant(s) CZK 500
 - for every design contained in the application CZK 600
 - for each design contained in the application if solely the originator(s) is/are the applicant(s) CZK 300

Item 136

Filing of an application for removal from the Register of an application for removal of a design from the Register CZK 2000

- for any subsequent design contained in a collectively registered design CZK 800

Item 137

Filing of a request for renewal of the period of protection of a design

- by 5 years for the first time CZK 3000
- by 5 years for the second time CZK 6000
- by 5 years for the third time CZK 9000
- by 5 years for the fourth time CZK 12000

Notes

1. If a design is registered upon the expiry of the period of its validity, the fee for renewal of the protection shall be due for reimbursement within 2 months from the registration date.
2. If the fee is not reimbursed within the set time limit, it can be reimbursed within an additional time limit of 6 months, increased by a factor of 2.

Trade Marks and Designation of Origin

Item 138

- a) Filing of an application for registration:
 - of an individual trade mark in three classes of goods or services CZK 5000
 - of a collective and certification trade mark in three classes of goods and services CZK 10000
 - for any class of goods or services exceeding three classes CZK 500
- b) Filing of a request for conversion of an application or a European Union trade mark in three classes of goods or services CZK 5000
 - for any class of goods or services exceeding three classes CZK 500
- c) Filing of a request for a division of an application
 - for every newly established application CZK 5000
- d) Filing of a request for a division of a registered trade mark
 - for every newly established trade mark CZK 5000
- e) Filing of an opposition to an entry of a published sign in the Register CZK 1000

Notes

1. The fee for Filing of an application for registration of a trade mark pursuant to paragraph a) of this Item shall be due for reimbursement within 1 month from delivery of the application.
2. The fee for Filing of an application for conversion of an application or European Union trade mark pursuant to paragraph b) of this Item shall be due for reimbursement within 2 months from delivery of the notice pursuant to the Act regulating trade marks.
3. The fee for Filing an opposition pursuant to paragraph e) of this Item shall be due for reimbursement within the time limit for filing opposition.
4. If the fee pursuant to paragraph a) or c) of this Item is not reimbursed on the due date, the application or the opposition shall be deemed not to have been filed and the provisions pertaining to the payment of an overdue fee and to the call for such payment shall not apply.
5. If the fee pursuant to paragraph a) third bullet of this Item is reimbursed at an incorrect rate, the Industrial Property Office shall, upon the expiry of the time limit for reimbursing the fee for filing an application, call for payment of the undercharge for filing the application within 5 days from the day following the delivery of the call. If the undercharge is not paid within the additional time limit, the application shall be deemed to have been filed within the scope of the classes of goods and services to which the paid sum relates. If it is not clear to which goods or services the paid sum relates, the application shall be deemed to have been filed within the scope of the classes of goods or services stated in the application, in the order from the lowest one which the application includes. The provisions pertaining to the payment of an overdue fee shall not apply to an undercharge.

Item 139

- a) Filing of a request:
- for renewal of the registration of an individual trade mark CZK 2500
 - for renewal of the registration of a collective and certification trade mark CZK 5000
 - for renewal of the registration of an individual trade mark filed upon the expiry of the protective period, but at the latest within 6 months from that date CZK 5000
 - for renewal of the registration of a collective and certification trade mark filed upon the expiry of the protective period, but at the latest within 6 months from that date CZK 10000
- b) Filing of an application for revocation of a trade mark or for a declaration of its invalidity CZK 2000

Notes

1. The fee pursuant to paragraph a) of this Item shall be due for reimbursement within the time limit for filing of a request pursuant to the Act regulating trade marks. If the fee is not reimbursed on the due date, the Industrial Property Office shall, upon the expiration of the maturity period, call for payment within fifteen days from the day following the delivery of the call. If the fee is not reimbursed within the additional time limit, the request for renewal of the registration of a trade mark shall be deemed not to have been filed and the provisions pertaining to the payment of an overdue fee shall not apply.
2. The fee pursuant to paragraph b) of this Item shall be due for reimbursement within 1 month from the delivery of an application. If the fee pursuant to paragraph b) of this Item is not reimbursed on the due date, the application for revocation of a trade mark or a declaration of its invalidity shall be deemed not to have been filed and the provisions pertaining to the payment of an overdue fee and to the call for such payment shall not apply.
3. If, through a final decision, the Industrial Property Office revokes a trade mark or declares it invalid and the court cancels the decision subsequently, the fee pursuant to paragraph a) of this Item shall be due for reimbursement within 2 months from delivery of the judgment to the payer.
4. If the Industrial Property Office does not register a trade mark within 118 months from delivery of an application, the fee for filing of a request for renewal of the registration of a trade mark pursuant to paragraph a) of this Item shall be due for reimbursement within 2 months from the date of registration of the trade mark.

Item 140

Filing of:

- an application for registration of an international trade mark CZK 2500
- a request for renewal of the registration of an international trade mark CZK 3000
- a request for territorial extension of the registration of an international trade mark CZK 500

Item 141

- a) Filing of an application for registration of the appellation of origin/geographical appellation CZK 4000
- b) Filing of an application for international registration of the appellation of origin CZK 2500
- c) Filing of an application for revocation of the registration of the appellation of origin/geographical appellation CZK 2000
- d) Handover of an application for protection of the appellation of origin/geographical appellation to the European Commission CZK 500

Note

The fees pursuant to Items 140 and 141 b) of this Tariff shall be collected for acts carried out pursuant to the Madrid Agreement Concerning the International Registration of Marks, the Protocol Relating to the Madrid Agreement, or, possibly, the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, with the International Bureau of the World Intellectual Property Organization in Geneva.

Topography of Semiconductor Products**Item 142**

Filing of an application for topography of semiconductor products CZK 5000

Item 143

Filing of an application for revocation of topography of semiconductor products from the Register CZK 2000
