

# PATENT REGULATIONS

REGULATIONS ON AMENDMENTS  
TO THE PATENT REGULATIONS\*/\*\*/\*\*\*/\*\*\*\*

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# PATENT REGULATIONS

## I. INTRODUCTORY PROVISION

### Article 1

The Patent Regulations (hereinafter: the Regulations) shall define in more details certain matters contained in the Patent Act (hereinafter: the Act), related to the procedures carried out before the State Intellectual Property Office (hereinafter: the Office).

## II. PATENT APPLICATION

### *Method of Filing a Patent Application*

#### Article 2

- (1) A patent application shall be filed in written form, in one copy, directly or by mail.
- (2) A patent application can be filed by means of a fax as well, provided that it is submitted to the Office in the form prescribed by the provision of Article 9 of these Regulations within fifteen days from its receipt.
- (3) The patent application shall be accompanied by the following:
  1. evidence as to payment of the administrative fee and the charges for the administrative procedure, or evidence as to the basis for exemption from payment of the administrative fees and procedural charges;
  2. a power of attorney, in cases when the application is filed through an attorney;
  3. a declaration concerning a common attorney, if there are several applicants;
  4. a declaration of the inventor, in the case when he does not want to be mentioned in the application;
  5. a copy of the first application certified by the competent authority, if the priority is claimed in compliance with Article 23 of the Act;
  6. a certificate of the display at an international exhibition in compliance with Article 9, paragraph 1), item 2 of the Act, if the invention has been so displayed;
  7. evidence or indications concerning a sample of viable biological material, if it is necessary for the disclosure of the invention in compliance with Article 20, paragraph 5 of the Act;
  8. a list of nucleotide and/or amino acid sequences, if the application contains a disclosure of one or more nucleotide and/or amino acid sequences.

### *Method of Filing a European Patent Application*

#### Article 3

- (1) A European patent application shall be filed

directly with the European Patent Office or the Office.

- (2) A European patent application shall be filed with the Office in a manner described in Article 2 paragraphs 1 and 2 of these Regulations, and in accordance with the provisions of the European Patent Convention and the pertaining implementation regulations, which relate to the filing of European patent applications and the requirements to which the applications must adhere to.

### *Contents and Method of Drafting a Patent Application*

#### Article 4

- (1) An application for the grant of a patent shall contain:
  1. an express indication to the effect that the grant of a patent is applied for;
  2. the title of the invention expressing clearly and concisely the essence of the invention, provided that it does not contain commercial names, trademarks, names, codes, abbreviations common to particular products and the like;
  3. indications concerning the applicant, namely his family name, given name and domicile, if a natural person is concerned, or a company name and its principal place of business if a legal person is concerned, and if there are several applicants, an indication of a written declaration concerning a common attorney;
  4. indications concerning the inventor, namely his family name, given name and domicile, or an indication of a written declaration to the effect that he does not want to be mentioned in the patent application; if the inventor is the applicant, an indication of that fact shall be necessary;
  5. indications concerning an attorney, namely his family name, given name and domicile, or the company name and principle place of business, if a legal person is concerned;
  6. a priority claim including indications concerning priority referred to in Article 23 of the Act, an indication of the country in which the first application was filed, the date of its filing and the number assigned to it;
  7. an indication to the effect that the invention has been displayed at the exposition in compliance with Article 9, paragraph 1), item 2 of the Act;
  8. an indication concerning a request for the division of the application, including the number of the original application;

9. address for correspondence which is, as a rule, the domicile of the applicant or of his attorney or common attorney, if there are several applicants, including the phone and facsimile numbers or the e-mail address;;
  10. a check list:
    - the number of pages constituting the description of the invention,
    - the number of claims and the number of pages constituting the claims,
    - the number of drawings and the number of pages constituting the drawings,
    - the abstract,
    - attachments to the application;
  11. the signature or the seal of the applicant or the signature or the seal respectively of his attorney, if any.
- (2) The indications referred to in paragraph (1) of this Article shall be specified on the form, which forms an integral part of these Regulations (P-1 Form) or on the form completely corresponding to this form by its contents and appearance.
  - (3) If the space provided for a particular column of the P-1 form is not sufficient, the required indication including the number of the column and its full contents shall be attached to the P-1 form, as a special attachment.
  - (4) The Office shall not check the authenticity of the indications made in the request for the grant of a patent.
  - (5) The copy of the completed P-1 form referred to in paragraph 2 of this Article shall be delivered to the applicant by the Office as a certificate of receipt of the mentioned indications, contents and attachments.

### *Description of the Invention*

#### Article 5

- (1) The description of the invention shall be drafted in the manner and order as prescribed by this Article.
- (2) The description shall first state the title of the invention as appearing in the request and shall:
  1. specify the technical field to which the invention relates (indicating the classification symbol according to the International Patent Classification, if known to the applicant);
  2. indicate the technical problem for the solution of which patent protection is sought;
  3. indicate the state of the art (description and analysis of known solutions to the technical problem concerned) presented in the scope known to the applicant, and necessary for the understanding of the invention and examination of the application, and, shall preferably cite the patent documents and other sources reflecting such art;
  4. disclose the essence of the invention in such terms that the technical problem and its solution can be understood and state

- the technical novelty of the invention with reference to the prior state of the art;
  5. briefly describe the drawings, if any;;
  6. describe in details at least one mode for carrying out the invention, with providing an example and with reference to the drawings, if any;
  7. indicate, where it is not obvious from the description or nature of the invention, the way in which the invention is capable of industrial or any other application.
- (3) Each of the constituent parts referred to in paragraph (2) of this Article shall preferably be preceded by an appropriate heading. In exceptional cases, a different manner and order of drafting the description shall be followed when, because of the nature of the invention, such order would afford a better understanding and a more economical presentation.
  - (4) The solution to the technical problem disclosed in the description of the invention:
    1. shall be free of any allegations or assumptions, and all the essential characteristics of the invention shall be presented clearly and precisely so that it could be carried out by the person skilled in the art.
    2. where the invention relates to a process, it shall include all its essential characteristics, so that the process feasibility is completely shown, which must be proved by providing examples;
    3. where the invention relates to a design and it is shown on a drawing, it shall include a detailed description of the design solution referring to the drawing, and as the proof of its capability of being carried out, it is necessary to describe the manner of functioning of both the particular essential elements of the design and the design itself;
    4. where there are several modes for carrying out the invention it shall contain their description.

### *Patent Claims*

#### Article 6

- (1) The patent claims shall be drafted in a manner to define the invention exclusively by its technical features.
- (2) The number of the patent claims shall be reasonable in consideration of the nature of the invention claimed. If there are several patent claims, they shall be numbered consecutively in Arabic numerals.
- (3) The patent claims shall, whenever possible, contain:
  1. introductory part beginning with the title of the invention, followed by those technical features of the invention which are necessary for the definition of the claimed subject matter and which, in combination, form part of the prior art;

## *The Drawings*

### Article 7

2. the second, characteristic portion of the claim, preceded by the words “characterized in that” or “characterized by” indicating those technical features of the invention for which, in combination with the technical features of the prior art referred to in item 1, paragraph 3 of this Article, the patent protection is applied for.
  - (4) Where the requirement concerning the unity of the invention referred to in Article 18 of the Act has been complied with, and where the subject matter of the invention cannot be covered by one claim, the patent application may contain several independent claims of the same category (product, process, apparatus, application).
  - (5) Any claim indicating essential features of the invention may be accompanied by one or more dependent claims referring to specific features of the invention.
  - (6) The dependent claim shall include specific features of the invention of some other (dependent or independent) claim and, shall, if possible, in the beginning refer to the other claim or claims and shall then state the additional features claimed. All the dependent claims referring to a single previous claim, and all the dependent claims referring to several previous claims, shall be grouped together to the extent that the relation between mutually dependent claims is easily detected and that their importance in such relation is easily interpreted.
  - (7) Claims shall not, except where absolutely necessary, rely, in respect of the technical features of the invention, on references to the description or drawings. In particular, they shall not rely on such references as: “as described in part ... of the description”, or “as illustrated in figure ... of the drawings”.
  - (8) Where the patent application contains drawings, the technical features mentioned in the claims shall preferably be followed by reference signs relating to such features. When used, the reference signs shall preferably be placed between parentheses. If inclusion of reference signs does not particularly facilitate understanding of a claim, they should not be made. Reference signs shall not be interpreted as limiting the claims.
  - (9) A single inventive concept shall exist where several inventions are so linked that there is among those inventions a technical relationship, which involves one or more of the same or corresponding special technical features. The expression “special technical features” shall mean those technical features that define a contribution, which each of the claimed inventions, considered as a whole, makes over the state of the art. The determination whether a group of inventions is so linked as to form a single inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.
- (1) On sheets containing drawings, the surface usable shall not exceed 26.2 cm x 17.0 cm and the sheets shall not contain frames around the usable or used surface. The minimum margins shall be as follows:
    - top: 2.5 cm
    - left side: 2.5 cm
    - right side: 1.5 cm
    - bottom: 1 cm.
  - (2) The drawings shall be executed in a manner that:
    1. the lines are uniformly thick, black, well-defined and durable, and surfaces between them without colorings or shades;
    2. cross-sections are indicated by oblique hatching which shall not impede the clear reading of the leading lines and reference signs;
    3. the scale of the drawings and the distinctness of their graphical execution are such that a photographic reproduction with a reduction in size would enable all the details to be distinguished without difficulty;
    4. all the numbers, letters and reference signs appearing on the figures are simple and clear, brackets, circles or inverted commas are not to be used in association with numbers and letters;
    5. elements in the figure must be in proportion to each other, except where the use of a different proportion is indispensable for the better clarity of the figure;
    6. the height of the numbers and letters is not less than 0.32 cm; for the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used;
    7. the same sheet of drawings may contain several figures; where figures drawn on two or more sheets form a single complete figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing or overlapping any part of the figure appearing on different sheets; the different figures on a sheet shall be arranged one below another, clearly separated from one another, but without a larger free space between each other; the different figures shall be numbered consecutively in Arabic numerals, independently of the numbering of the sheets;
    8. reference signs not mentioned in the description do not appear in the drawings, and vice versa;
    9. the same features, when denoted by reference signs, are to be denoted by the same signs throughout the application;
    10. if the drawings contain a large number of reference signs, it is recommended to attach

a separate sheet, listing all the reference signs and the features denoted by them;

11. the drawings must not contain textual parts, except, when indispensable, simple words such as “water”, “steam”, “open”, “closed”, “section A-B” or, in the case of block schematic or flow sheet diagrams, a few short catchwords indispensable for understanding the text.
- (3) The drawings shall be produced by means of instruments enabling the production of drawings in compliance with paragraph 2 of this Article.

### *The Abstract*

#### Article 8

- (1) The abstract shall contain the title of the invention and a brief summary of the disclosure as contained in the description, the claims, and the drawings. The summary shall indicate the technical field to which the invention relates and shall allow a clear understanding of the technical problem concerned, the gist of the solution to that problem, and the principle use or uses of the invention.
- Where appropriate, the abstract shall contain the chemical formula, which, among all the formulae contained in the application, best characterizes the invention.
- (2) The abstract shall not contain statements on the alleged merits or value of the invention or on its speculative application.
- (3) If the patent application contains any drawings, the applicant shall indicate the figure or, exceptionally, several figures of the drawings, which he suggests, should accompany the abstract when published. The Office may decide to publish other figure or several other figures if it considers that they better characterize the invention. All the main features of the invention mentioned in the abstract and illustrated by the drawings shall be followed by reference signs placed between brackets.
- (4) The abstract shall be so drafted that it can serve as an efficient searching tool in the particular technical field, especially as assistance in formulating an opinion on whether there is a need for consulting the patent application itself.
- (5) The abstract shall not contain more than 150 words.

### *Requirements Concerning the Drafting of Particular Elements of a Patent Application*

#### Article 9

- (1) The elements of a patent application shall be suitable for direct reproduction by photography, electrostatic processes, photo-offset, and scanning in any number of copies. All the sheets shall be free from creases and cracks and shall

not be folded. Only one side of each sheet shall be used.

- (2) The size of the sheets shall be A4 (29.7 cm x 21.0 cm), the paper shall be white, smooth, non-shiny, strong, flexible and durable. Each sheet shall be used so that the short sides are at the top and bottom (i.e. in an upright position).
- (3) Each element (request, description, claims, drawings, and abstract) of the patent application shall commence on a new sheet and shall be signed by the applicant. The sheets shall be so connected that they can be easily turned, separated and joined again.
- (4) The minimum margins of the sheets not containing drawings shall be as follows:
- top: 2 cm
  - left side: 2.5 cm
  - right side: 2 cm
  - bottom: 2 cm.
- The recommended maximum margins of the sheets not containing drawings shall be as follows:
- top: 4 cm
  - left side: 4 cm
  - right side: 3 cm
  - bottom: 3 cm.
- (5) The margins of the patent application, as filed, must be completely blank (clear).
- (6) All the sheets contained in the patent application shall be numbered in consecutive Arabic numerals, which shall be centered at the top of the sheet, and shall not be placed in the margin.
- (7) The request for the grant of a patent, the description of the invention, the patent claims and the abstract shall be clearly printed. Exceptionally, graphic symbols and characters, and chemical or mathematical formulae may, when necessary, be written by hand. The typing shall be 1 ½-spaced.
- (8) The height of the capital letters in the text shall not be less than 0.21 cm, wherein the letters on the sheet shall be printed in a dark and indelible color.
- (9) The request, the description, the claims and the abstract shall not contain drawings. The description, the claims and the abstract may contain chemical or mathematical formulae, and the description and the abstract may contain tables. The claims and the abstract may contain chemical or mathematical formulae, and the description and the abstract may contain tables. The claims may contain tables only if the subject matter of the claim makes the use of tables desirable. Tables and chemical or mathematical formulae may be placed sideways on the sheet if they cannot be presented satisfactory in an upright position thereon. The sheets on which tables or chemical or mathematical formulae are presented sideways shall be so presented that the tops of the tables or formulae are at the left side of the sheet.

- (10) Physical units shall be expressed in terms of the International System of Units (SI). For mathematical, chemical and molecular formulae and atomic weights the symbols shall be used as well as such technical terms and signs as are generally accepted and used in the art concerned.
  - (11) The terminology, the signs and the symbols shall be consistent throughout the patent application.
  - (12) Each sheet shall be reasonably free from errors, additional matters, overwritings and interlineations. Non-compliance with this rule shall be allowed if the authenticity of the contents is not in question and the requirements for good reproduction are not in jeopardy.
- (3) The later submitted documents which are to be notified to third persons or which are related to two or more patent applications, shall be submitted in a number of copies corresponding to the number of persons and the number of applications concerned respectively. If the interested party, despite the Office request, fails to furnish the number of necessary copies, the missing copies will be provided at the expense of interested party.

### *Deposit of Viable Biological Material*

#### Article 12

- (1) A patent application may not contain:
    1. expressions or drawings contrary to the law or morality;
    2. statements disparaging the products or processes of any third person, or the merits or meaning of applications or patents of any such person; mere comparisons with the prior art shall not be considered disparaging per se;
    3. any statement obviously irrelevant or unnecessary.
  - (2) If a patent application contains expressions or drawings contrary to the law or morality, the Office shall omit them from its publications, indicating the place and number of words or drawings omitted.
  - (3) If a patent application contains statements referred to in paragraph (1), item 2 of this Article, the Office may omit them from its publications. It shall indicate the place and number of words or drawings omitted, and shall furnish, upon request, individual copies of the passages omitted.
- (1) If the invention claiming patent protection involves the use of or concerns viable biological material, which is not available to the public, and which cannot be described in a patent application in such a manner as to enable the invention to be carried out by a person skilled in the art, the invention shall be considered to be described in a manner sufficiently clear and complete within the meaning of Article 20, paragraph 4 of the Act, only if the following requirements are complied with:
    1. a sample of viable biological material has been deposited with the authorized institution, in compliance with Article 20, paragraph 5 of the Act, not later than on the day of filing of the patent application;
    2. the patent application contains all the information on deposited viable biological material known to the patent applicant;
    3. the patent application indicates the name of the authorized institution referred to in Article 20, paragraph 5 of the Act, and the accession number assigned to the biological material concerned;
  - (2) The indications referred to in paragraph 1, item 3 of this Article may be furnished subsequently:
    1. within three months counting from the date of filing of a priority claim;
    2. up to the day of filing of a request for early publication, in compliance with Article 35, paragraph 2 of the Act.

### *Subject Matter Not to be Contained in the Patent Application*

#### Article 10

### *Later Submissions*

#### Article 11

#### Article 13

- (1) The provisions of Articles 5 to 10 of these Regulations shall also apply to later submissions replacing essential elements of a patent application. These submissions shall be communicated to the Office in the same way as the patent application.
  - (2) All the essential elements of a patent application as well as the later submissions shall be signed. If the submission lacks the signature, the Office shall invite the interested party to sign it within a reasonable time limit, counting from the day of receipt of the invitation. If signed within that time limit, the submission shall maintain the date of its receipt. Failing this, it shall be considered not to be submitted.
- (1) The deposited sample of viable biological material shall be, upon request, made available. The availability of the viable biological material shall comprise in its furnishing to the requesting party. The requesting party may be:
    1. between the publication of the application and the granting of the patent, anyone requesting it, or, if the applicant so requests, only an independent expert;
    2. after the patent has been granted, and notwithstanding cancellation or revocation of the patent, anyone requesting it.
  - (2) A request for furnishing a sample of viable biological material shall be filed with the Office on

a form prescribed by the authorized institution, in compliance with Article 20, paragraph 5 of the Act, on which the Office shall certify that the patent application referring to the deposit of viable biological material has been filed, and that the requesting party is entitled to require the furnishing of the sample of viable biological material.

- (3) The sample shall be made available only if the person requesting it undertakes, for the term during which the patent is in force:
  1. not to make it or any material derived from it available to third parties;
  2. not to use it or any material derived from it except for experimental or research purposes, unless the applicant for or owner of the patent, as applicable, expressly waives such an undertaking.
- (4) At the applicant's request, where an application is refused or withdrawn, access to the deposited material shall be limited to an independent expert for 20 years from the date on which the patent application was filed. In that case, paragraph 3 of this Article shall apply *mutatis mutandis*.
- (5) The applicant's requests referred to in paragraphs (1) and (4) of this Article may only be filed up to the date on which the technical preparations for publishing the patent application are deemed to have been completed.
- (6) The undertaking referred to in paragraph 3, item 2 of this Article shall not exist if the applicant uses the furnished sample of the deposited viable biological material on the basis of a compulsory license.

#### Article 14

- (1) If a sample of the viable biological material is no longer available at the institution in which it has been deposited, nor it has been transferred to another authorized institution in which it could be made available, the invention shall be considered not to be described in a patent application within the meaning of Article 20, paragraph 4 of the Act.
- (2) Legal effects of non-availability of deposited viable biological material referred to in Article 85, paragraph 1 of the Act shall not be considered to take place provided that:
  1. the depositor makes a new deposit of the same biological material, on the same terms as those laid down in the Budapest Treaty, within 3 months counting from the day on which he received information from the authorized institution that the previously deposited viable biological material had ceased to be available;
  2. the depositor attaches to a new deposit a signed written statement to the effect that the newly deposited viable biological material is the same as that originally deposited;
  3. the Office receives, within 4 months as

from the day on which the new deposit was made, a copy of the receipt acknowledging the deposit of a sample of viable biological material, issued by the authorized institution which contains the number of the patent application or the number of the patent, the deposit is related to.

- (3) If the reason for non-availability of viable biological material is its non-viability, a new deposit of it shall be made with the same authorized institution with which the previous deposit was made, and if other reasons are concerned, the viable biological material may be deposited with any other authorized institution.
- (4) If the authorized institution with which the viable biological material was originally deposited loses a status of the authorized institution or discontinues its performance as authorized institution in respect of certain kinds of viable biological material, and the depositor is not informed of that change within six months, the time limit of three months referred to in paragraph 2, item 1 of this Article shall run as from the day of publication of this change in Office official gazette.

#### *Nucleotide and/or amino acid sequence listings*

#### Article 15

If the patent application contains a disclosure of one or more nucleotide and/or amino acid sequences, the description of the application shall contain the sequence listing. Any sequence listing, which is not contained in the description or not attached to it respectively, at the time of filing of the application, shall not form part of the description.

### III. REGISTER OF PATENT APPLICATIONS

#### *Contents of the Register of Patent Applications*

#### Article 16

The Office shall keep a special register of patent applications (Register of Patent Applications) having been accorded a filing date by a decision, in which the following indications shall be entered:

1. the number of a patent application;
2. the filing date of a patent application;
3. the number and date of the original application in the case of division of the application;
4. indication concerning the priority claimed: the state in which the first application was filed, the filing date and the number assigned to it;
5. indications concerning the applicant, namely his family name, given name and domicile if a natural person is concerned, or a company name and principle place of business if a legal person is concerned;
6. indications concerning the inventor namely his family name, given name and domicile of the inventor, or indications concerning the



statement of the inventor to the effect that he does not want to be mentioned in the application;

7. indications concerning an attorney, namely his family name, given name and domicile of an attorney, if a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned;
8. the title of the invention;
9. classification symbol according to the International Patent Classification (the IPC);;
10. indications about the displaying at the international exhibition in compliance with the Article 9 paragraph 2 of the Act, if the invention was displayed;
11. publication date of a patent application and the number of the official gazette;
12. indications concerning the international application prescribed by Article 20 paragraph 2 of these Regulations, if such application is filed;
13. indications concerning a request for the substantive examination of conditions for the patent grant, or indications concerning a request for the patent grant based on the substantive examination results, or indications concerning a request for the grant of a consensual patent;
14. indications concerning payment of the fees for maintenance of rights from the patent application or indications concerning the exemption from the liability to pay the same;
15. indications concerning the filing of the opposition to a consensual patent and payment of the administrative fee and administrative procedure charges;
16. indications from the request for transformation of the European patent application into the national patent application
17. indications concerning the manner of termination of the administrative procedure by the Office decision;
18. indications concerning the cessation of rights from the application due to the non-payment of the annual fee and maintenance costs fees
19. indications concerning changes related to the patent applications regarding:
  - the applicant (name, principal place of business, domicile, attorney and other)
  - transfer of rights, licenses, security, seizure, insolvency and other
20. indications concerning the initiated appeals procedure (date, complainant, type of decision)
21. number and date, if it is issued, of the decision on reinstatement of rights from Article 57 of the Act or the decision on the continuation of the procedure from Article 57a of the Act;
22. other indications concerning the application if necessary.

## *Excerpt from the Register of Patent Applications*

### Article 17

- (1) The register of patent applications shall be available to the public, in respect of published patent applications.
- (2) An excerpt from the register shall be issued in respect of published patent applications and that upon request of interested persons, accompanied by the evidence of payment of the prescribed administrative fee and procedural charges. The excerpt from the register of patent applications shall contain indications referred to in Article 16 of the Regulations, as valid on the day on which the excerpt is issued.
- (3) The provisions of Articles 28 to 30 of these Regulations shall apply mutatis mutandis to an excerpt from the register of patents.

## IV. PRIORITY CERTIFICATE

### *Contents of the Request for Issuing the Priority Certificate*

#### Article 18

The request for issuing the priority certificate contains:

1. an express indication of the fact that the issue of a priority certificate is applied for;
2. the number of the patent application for which the issuing of the certificate is sought;
3. an indication concerning the required number of copies of the priority certificate;
4. indications concerning the requesting party;
5. signature of the requesting party;
6. evidence of payment of the administrative fee and procedural charges for the issue of the priority certificate.

### *Contents of the Priority Certificate*

#### Article 19

The priority certificate shall contain:

1. indications concerning the patent applicant, namely his family name, given name and domicile if a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned;
2. filing date of the patent application;
3. the number of the patent application;
4. the title of the invention
5. the description of the invention, identical to the description in the application on the determined filing date;
6. patent claims, identical to the patent claims in the application on the determined filing date;
7. drawings identical to the drawings in the application (if any) on the determined filing date;
8. an indication concerning the identity of indications as contained in the priority

certificate with the indications contained in the patent application.

## V. PUBLICATION OF A PATENT APPLICATION

### *Contents of the publication of a patent application*

#### Article 20

- (1) The following indications concerning the patent application shall be published in the Office Official Gazette:
  1. the number of the patent application;
  2. the filing date of the patent application;
  3. number and date of patent application publication.
  4. indication concerning the priority claimed, the country in which the first application has been filed; the date when it was filed and the number assigned to it;
  5. number and date of the first application in case the patent application is divided;
  6. indications concerning the display at an exhibition;
  7. a classification symbol according to the International Patent Classification (IPC);
  8. the title of the invention in the Croatian and in the English language;
  9. indications concerning the patent applicant, namely his family name, given name and domicile, if a natural person is concerned, or a company name and its principle place of business if a legal person is concerned;
  10. indications concerning the inventor, namely his family name, given name and domicile, or indications concerning the statement of the inventor to the effect that he does not want to be mentioned in the application;
  11. indications concerning an attorney, namely family name, given name and domicile, if a natural person is concerned, or a company name and its principle place of business if a legal person is concerned;
  12. the abstract;
  13. characteristic drawing or drawings referred to in the description and claims, respectively the chemical formula which, among all the formulae contained in the application, best characterizes the invention;
- (2) If the application filed in compliance with Article 109, paragraphs 1 and 2 of the Act is concerned, in addition to the indications referred to in paragraph 1 of this Article the following indications shall be published as well:
  - the number of the international application,
  - the filing date of the international application,,
  - the number of the international publication
  - the date of the international publication.
- (3) The indications referred to in paragraphs 1 and 2 of this Article shall be represented by the Internationally Agreed Data Identification Numbers (hereinafter: INID – codes).

### *Publication of Requests for Extension of a European Patent Application*

#### Article 21

- (1) The data contained in a request for extension of a European patent application shall be published in a special part of the Office Official Gazette, such as follows:
  1. indications concerning a European patent application – the filing date and the number of the European patent application;
  2. indications concerning an international patent application prescribed by Article 20 paragraph 2 of these Regulations, if filed;
  3. indications concerning the publication of a European patent application: the number of the publication of the application, the date of publication and the language in which the application is published;
  4. indications concerning priority right: the number and date of the first application and indication of the state in which it was filed;
  5. indications concerning the applicant: namely, family name, given name and domicile, if a natural person is concerned, or a company name and its principle place of business if a legal person is concerned;
  6. indications concerning the inventor, namely his family name, given name and domicile, or indications concerning the statement of the inventor to the effect that he does not want to be mentioned in the application;
  7. the title of the invention in the English language.
- (2) If a request for extension of a European patent application is withdrawn, or if a European patent application is finally refused, withdrawn or deemed withdrawn according to Article 100, paragraph 3 of the Act, the Office shall publish such indications. The publication shall, in addition to the indications as specified, contain indications referred to in paragraph 1 of this Article.
- (3) The indications referred to in paragraphs 1 and 2 of this Article shall be represented by the Internationally Agreed Data Identification Numbers (hereinafter: INID – codes).

### *Publication of Indications on Transformation of the European Patent Application*

#### Article 22

If, upon the applicant's request, the European patent application was transformed into a national patent application on the basis of Article 108 i of the Act, the Office shall publish the indication concerning the transformation in the official gazette in addition to the indications from Article 20 of these Regulations, and the indication concerning the European patent application from which the transformation was executed.

## VI. REQUESTS FOR THE EXAMINATION OF REQUIREMENTS FOR THE GRANT OF A PATENT

### *Contents and Form of the Requests for the Examination of Requirements for the Grant of a Patent*

#### Article 23

The requests referred to in Article 36, paragraph 1 of the Act shall be filed with the Office in written form, and within a prescribed time limit, indicating the number of the patent application and shall be accompanied by evidence as to payment of the administrative fee and the procedural charges.

### *Publication of the Request for the Grant of a Patent Without the Substantive Examination Procedure (a Consensual Patent)*

#### Article 24

The publication of a request for the grant of a consensual patent in the Office official gazette shall contain the following indications:

1. the number of a consensual patent application;
2. the filing date of a request;
3. indications concerning the requesting party, namely its family name, given name and domicile, if a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned;
4. a classification symbol according to the International Patent Classification (IPC);
5. the number of the Office official gazette in which the patent application has been published;
6. the title of the invention.

## VII. OPPOSITION TO THE GRANT OF A CONSENSUAL PATENT

### *Contents of the Opposition to the Grant of a Consensual Patent*

#### Article 25

- (1) An opposition to the grant of a consensual patent shall contain:
  1. an express indication of the opposition to the grant of a consensual patent;
  2. indications concerning the person filing the opposition, namely his family name, given name and domicile, if a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned;
  3. the number of the consensual patent application;
  4. indications concerning the person filing a request for the grant of a consensual patent;
  5. the title of the invention;
  6. indications concerning an attorney, namely his family name, given name and domicile, if

a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned, and a regular power of attorney, if the opposition is filed through an attorney.

7. the signature of the person filing the opposition;
  8. the evidence as to payment of the administrative fee and procedural charges.
- (2) The indications referred to in paragraph 1 of this Article shall be accompanied by the reasons for the opposition.

## VIII. REGISTER OF PATENTS

### *Contents of the Register of Patents*

#### Article 26

- (1) The Office shall keep a special register of granted patents and consensual patents (Register of Patents).
- (2) The Register of Patents shall contain the following indications:
  1. the number of a patent or a consensual patent;
  2. indication concerning the type and the filing date for the request on the basis of which a patent or a consensual patent has been granted;
  3. the number and date of the decision on the grant of a patent or a consensual patent or the date of entry of a patent or a consensual patent in the Register of Patents;
  4. the date of publication of the granted patent or the consensual patent;
  5. the date of filing of a patent application;
  6. the date of publication of a patent application;
  7. the number of the original application if a divisional application is concerned;
  8. indications concerning the granted priority right: the state in which the first application was filed, the date when it was filed and the number assigned to it;
  9. indications concerning an international application prescribed by Article 20, paragraph 2 of these Regulations, if such an application has been filed;
  10. indications concerning a European patent application: the filing date and the number of the European patent application, the number of the European patent, the number and the date of publication of the European patent application or the European patent and the language of publication;
  11. indications concerning the European patent application in the case of transformation from Article 108 i of the Act;
  12. the title of the invention;
  13. a classification symbol according to the International Patent Classification (IPC);

14. indications concerning the patent owner, namely his family name, given name and domicile, if a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned;
15. indications concerning the inventor, namely his family name, given name and domicile, or an indication concerning the statement of the inventor to the effect that he does not want to be mentioned in the patent application;
16. indications concerning an attorney, namely his family name, given name and domicile, if a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned;
17. Indications concerning the fees for the maintenance of a patent or a consensual patent as paid;
18. indications concerning the changes related to the patent regarding:
  - the patent owner (name, principal place of business, attorney and other);
  - transfer of rights, licenses, security, seizure, insolvency and other (time of duration, scope, type);
19. indications concerning the procedure for declaring a patent null and void; (the submission date, applicant, type and date of the decision);
20. indications concerning the appeals procedure (the submission date, applicant, type and date of the decision);
21. indication concerning the request to waive a patent;
22. type of decision and date of the decision concerning the proposal for cancellation of the decision on the patent grant;
23. number and date of the decision on the reinstatement of rights, from Article 57 of the Act or the decision on the continuation of the procedure from Article 57 a of the Act, if issued;
24. indications concerning the cessation of the effect of a patent: legal basis and the date of the cessation and the scope of the cessation in the case of partial cessation due to waiver, the nullity procedure or the appeals procedure;
25. indications concerning a Supplementary Protection Certificate;
26. other indications concerning the patent, if necessary.

#### Article 27

- (1) The Office shall, ex officio, enter in the Registers from Articles 16 and 26 of these Regulations, the indications concerning the initiated court disputes of which the Office is informed, and the respective final decisions:
  1. the date of submission of the statement of claim and the number of the file;
  2. the type of the dispute;

3. the number and the date of the decision as well as the indication concerning the finality.
- (2) If an administrative dispute has been initiated by means of a statement of claim regarding a decision of the Office, in addition to the afore stated indications, the number and the date of the decision against which the statement of claim was submitted is also entered in the Register.

#### *Excerpt from the Register of Patent Applications and the Register of Patents*

##### Article 28

- (1) The Register of Patent Applications and the Register of Patents shall be available to the public.
- (2) Excerpts from the Register shall be issued upon a request of interested persons, and shall be accompanied by evidence as to payment of the prescribed administrative fee and procedural charges.
- (3) An excerpt from the Register of Patents shall contain the indications referred to in Article 16, paragraph 2 of these Regulations, that is in Article 26 paragraph 2 of these Regulations as valid on the day of the issue thereof.
- (4) Upon a special request an excerpt may be related to a specific period of time, or, as a historical excerpt, may contain all the indications entered into the Register as from the day of entry of a patent up to the day of issue of the excerpt.
- (5) The excerpt referred to in paragraph 4 of this Article shall contain an indication to the effect that a historical excerpt, respectively, an excerpt related to the current status, or covering a specific period of time is concerned.
- (6) The excerpt may also contain a print out containing only a part of the valid indications entered in the Register, in which case a note at the end of the last leaf of the excerpt shall read: "Other indications omitted".

##### Article 29

The indications contained in the Registers shall be listed in the excerpt in the order provided for under Article 16 paragraph 2 and Article 26 paragraph 2 of these Regulations, respectively. Each indication listed in the excerpt shall be preceded by a number under which it has been entered in the Register. An indication which ceased to be valid and is contained in the excerpt shall be preceded by "23/20" and the last leaf of the excerpt shall contain a note reading "indications marked by "24/20" ceased to be valid"

#### *Note Containing Certification of an Excerpt*

##### Article 30

- (1) An excerpt from the Register shall be certified by a note.
- (2) The note certifying an excerpt shall contain: a statement to the effect that the excerpt is identical with the original, the place and date of the issue,

the number under which the excerpt has been issued, and the stamp and signature of the authorized officer of the Office.

## IX. CERTIFICATES

### *Contents of the Patent Certificate or of the Consensual Patent Certificate*

#### Article 31

- (1) The patent certificate or the consensual patent certificate shall contain:
  1. the number of a patent or a consensual patent;
  2. the title of the invention;
  3. indications concerning the owner of a patent or the owner of a consensual patent, namely his family name and given name, if a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned;
  4. indications concerning the inventor, namely his family name and given name;
  5. the date of issue of a certificate.
- (2) The certificate is delivered to the patent owner in addition to the corresponding patent specification referred to in Article 34 of these Regulations.

## X. PUBLICATION OF A PATENT

### *Contents of Publication of a Patent or a Consensual Patent*

#### Article 32

- (1) The Office official gazette shall publish the following indications concerning the patent grant:
  1. the number of a patent or a consensual patent;
  2. the number of the patent application;
  3. the filing date of the patent application;
  4. indications concerning the granted priority right: the number and date of filing of the first application, an indication of the State in which or the international or intergovernmental organization with which the first application has been filed;
  5. the date of publication of the first patent application;
  6. the title of the invention in the Croatian and the English language;
  7. classification symbol according to the International Patent Classification (IPC);
  8. the number and date of the original application, in the case of a divisional application;
  9. indications concerning the owner of a patent, namely his family name, given name and domicile, if a natural person is concerned, and a company name and its principal place of business, if a legal person is concerned;
  10. indications concerning the inventor, namely

his family name, given name and domicile, or the indication concerning the statement of the inventor to the effect that he does not want to be mentioned;

11. indications concerning an attorney, namely his family name, given name and domicile, if a natural person is concerned, or the company name and its principle place of business, if a legal person is concerned;
  12. the first claim, with the indication concerning the number of other claims;
  13. characteristic drawing or drawings referred to in the description and the claims, respectively the chemical formula which, among all the formulae contained in the application, best characterizes the invention.
- (2) The indications referred to in paragraph 1 of this Article shall be represented by INID-codes.
  - (3) The Office official gazette shall also publish indications concerning the cessation of the effect of a patent or a consensual patent, such as follows:
    1. the number of a patent or of a consensual patent;
    2. the title of the invention;
    3. a classification symbol according to the International Patent Classification (IPC);
    4. the date of cessation of a patent, legal basis and the scope of cessation,
    5. the date of publication and the number of the official gazette in which a patent or a consensual patent were published.

### *Contents of Publication of Indications Concerning a European Patent*

#### Article 33

- (1) The indications concerning an extended European patent referred to in Article 103 paragraph 5 and Article 108e paragraph 6 of the Act respectively shall be published in the Office official gazette:
  1. a classification symbol according to the International Patent Classification (IPC);
  2. the number of a patent;
  3. the number of publication of the translation of a European patent and type of the translated document;
  4. the date of publication of the translation of a European patent;
  5. the number and the date of filing the request for entry in the European patent Register;
  6. indications concerning the international patent application as prescribed by Article 20 paragraph 2 of these Regulations;
  7. indications concerning a European patent application: the filing date and the number of the European patent application;
  8. indications concerning publications of the European Patent Office: the number of publication, type and date of the publication;
  9. indications concerning the right of priority: the

- number and date of the first application and the indication of the State in which it has been filed;
10. indications concerning the inventor;
  11. indications concerning the owner of a patent;
  12. indications concerning an attorney;
  13. the title of the invention in the Croatian language
  14. the first claim, with the indication of the number of other claims;
  15. such characteristic drawing or drawings as referred to in the description of the invention and claims, respectively, chemical formula, which among all the formulae indicated in the application best characterizes the invention..
- (2) If, as the result of an opposition or a request for limitation filed with the EPO, the European patent remained in force with the amended patent claims, or if the patent owner submits the corrected translation of the patent specification, the Office shall publish the indication on the amended translation in the official gazette in addition to the indications referred to in paragraph 1 of this Article.
  - (3) The indications referred to in paragraph 1 of this Article shall be represented by INID codes.

## XI. PATENT SPECIFICATION

### *Contents of the Patent Specification*

#### Article 34

- (1) A patent or a consensual patent specification shall contain:
  1. an indication that a patent or a consensual patent specification is being issued;
  2. the number of a patent;
  3. IPC symbol;
  4. the date of publication of a patent or a consensual patent;
  5. indications concerning the patent owner, namely his family name, given name and domicile, if a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned;
  6. indications concerning the inventor, namely his family name, given name and domicile, or the indication concerning the declaration of the inventor to the effect that he does not want to be mentioned;
  7. indications concerning an attorney, namely his family name, given name and domicile, if a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned;
  8. the title of the invention;
  9. the filing date of the application;
  10. indications concerning the granted priority right;
  11. the date of publication of a patent application;

12. indications concerning the European patent application in the case of the transformation referred to in Article 108 i of the Act
  13. the description;
  14. the claims;
  15. drawings, if any, respectively formulae, if a patent has been granted for an invention relating to the field of chemistry.
- (2) The indications referred to in paragraph 1 of this Article shall be represented by INID codes.

### *Publications of a New Patent Specification*

#### Article 35

- (1) If a patent remained valid in an amended form in accordance with Article 81 paragraph 6 of the Act and Article 90 paragraph 3 of the Act and pertaining administrative fees and procedural charges were paid, the Office shall publish a new patent specification as soon as possible after the publication of the indications concerning the decision issued about the proposal to declare the patent null and void or concerning an appeal, in the official gazette.
- (2) The provision from paragraph 1 of this Article shall be applied mutatis mutandis in the case of a partial patent waiver referred to in Article 76 of the Act.

## XII. ENTRY OF CHANGES INTO THE REGISTERS

### *A request for entry of a change into the registers*

#### Article 36

- (1) A procedure for the entry of changes into the registers kept by the Office shall be initiated by filing a written request made on the form, which forms an integral part of these Regulations (P-2 form), or on the form completely corresponding to it, in terms of contents and appearance.
- (2) A request for the entry of a change into a register shall contain:
  1. an express indication that the entry of a change into the register is applied for;
  2. the number of a patent application or a patent;
  3. indications concerning the person filing a request, namely his family name, given name and domicile, if a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned;
  4. indications concerning the applicant for or the owner of a patent respectively, namely his family name, given name and domicile, if a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned;
  5. a signature of the person submitting the request or of his attorney;
  6. an indication concerning the type of the change (change of name or address or the

change of the applicant for or the owner of a patent).

- (3) The request referred to in paragraph 2 of this Article shall be accompanied by:
  1. evidence as to legal basis for the change the entry of which is applied for (a contract or a public document), if there was a change regarding the person of the applicant for or the owner of a patent;
  2. a regular power of attorney, if the procedure concerning the entry into the register has been instituted through an attorney;
  3. evidence as to payment of the administrative fee and procedural charges.
- (4) The contract or the public document evidencing legal basis of the change the entry of which, as referred to in paragraph 1 of this Article, has been applied for, shall be furnished as an original or as a certified copy, in its entirety, or in the part clearly showing that the change has been made.
- (5) The contract or the public document referred to in the previous paragraph must be translated into the Croatian language.
- (6) If, by entering the change in the Register, the indications concerning the applicant or the owner of a patent which is a foreign natural or a legal person according to Article 3 of the Act are changed, a new power of attorney must be submitted for the new applicant or the owner of a patent;
- (7) If the space provided for a particular column in the P-2 form is not sufficient, the required indication, including the indication of the column and its full contents shall be attached to the P-2 form, as a special attachment.
- (8) The Office shall send a copy of the completed P-2 form referred to in paragraph 1 of this Article to the applicant, as a receipt of the request and pertaining attachments..
- (9) Indications concerning the entry of a change into the registers shall be published together with the corresponding indications referred to in paragraph 2 of this Article in the Office official gazette.
- (10) The indications published in the Office official gazette shall be represented by INID codes.
- (11) The provisions from paragraphs 1 to 10 of this Article shall be applied *mutatis mutandis* in relation to each change of the name or the address of the attorney and each change concerning the correspondence address.

#### Article 37

- (1) If the request for the entry of a change is not drawn up in accordance with Article 36 of these Regulations, or if the contract or the public document evidencing the legal basis for the change do not contain all of the prescribed elements, or if the indications in the request do not correspond to the indications in the Registers, the Office shall invite the requesting party to

amend the request within 60 days from the day of receipt of the invitation.

- (2) If the requesting party does not respond to the invitation within the time period referred to in paragraph 1 of this Article, the Office shall issue an appropriate decision.

### XIII. INFORMATION SERVICES

#### *Types and Manner of Providing Information Services*

#### Article 38

- (1) The Office provides, within the framework of its activity, information services in compliance with Article 55 of the Act, subject to payment of charges prescribed by a special regulation.
- (2) The information services referred to in paragraph 1 of this Article comprise, as a rule, searches of patent information funds, contained in the part of the Register of Patents kept by the Office, as available to the public, as well as, contained in other patent information funds available to the Office, according to the criteria required by a requesting party, and may also comprise other forms of information services as being in the framework of the Office activity.
- (3) The Office provides information services on the basis of a request previously filed in written form, which shall contain indications concerning a requesting party (the name, respectively, the name, address and signature of the requesting party), and a specification of the service, as requested.
- (4) After having carried out the service, the Office furnishes the information in written form, directly or by mail.

### XIV. APPEAL

#### *Appeals Procedure*

#### Article 39

- (1) The appeals procedure shall be initiated by submitting an appeal to the Appeals Council.
- (2) The appeal referred to in paragraph 1 of this Article shall contain:
  1. an express indication that the appeal is being submitted,
  2. indications concerning the appellant, namely, family name, given name and domicile, if a natural person is concerned, or a company name and the principal place of business, if a legal person is concerned,
  3. a classification mark of the decision against which the appeal is being submitted,
  4. the register number of a patent application or a patent,
  5. an indication to the effect is the appeal submitted against the decision in its entirety or concerning particular parts of the decision, the reasons for which the appeal is being

- submitted, in addition to the required evidence.
- (3) The appeal shall be accompanied with evidence as to payment of the administrative fee and the charges for the appeals procedure, or evidence as to the basis for exemption from payment of the administrative fees and procedural charges.
  - (4) The appeal shall be submitted in two identical copies by post or directly or to the Office, which forwards it to the Appeals Council through the Secretariat referred to in Article 91 paragraph 5 of the Act.

## XV. REINSTATEMENT OF RIGHTS

### *Contents of a Proposal, Requirements and the Procedure Related to the Proposal and the Publication of Indications*

#### Article 40

- (1) A proposal for reinstatement of rights shall contain the following indications:
  1. an express indication to the effect that the reinstatement of rights is applied for;
  2. the number of a patent application or the number of a patent;
  3. indications concerning the person filing a proposal;;
  4. indications concerning an attorney, if any;
  5. a signature of the person filing a proposal or of his attorney.
- (2) The proposal referred to in paragraph 1 of this Article, as filed to the Office, shall be accompanied by:
  1. indications concerning the reasons due to which the reinstatement of rights is applied for;
  2. evidence as to the justification of reasons referred to in item 1 of this paragraph;
  3. evidence as to payment of the administrative fee and procedural charges.
- (3) If a proposal for reinstatement of rights does not contain all the elements prescribed in paragraph 1 of this Article, the Office shall invite the person having filed the proposal to comply with the formal requirements within a period of 30 days as from the receipt of the invitation. If he fails to comply with the invitation within a prescribed time limit, the Office shall issue a decision on the rejection of a proposal for the reinstatement of rights.
- (4) If the proposal as filed complies with the formal requirements, or if it is subsequently corrected in the manner as prescribed by paragraph (2) of this Article, the Office shall examine its justification.
- (5) If the Office establishes that the proposal is justified, it shall issue a decision on the adoption of a proposal for the reinstatement of rights.
- (6) If, in the course of the procedure, the Office establishes that the proposal is unjustified, completely or partially, it shall inform the person having filed the proposal about the reasons for its

complete or partial refusal, and shall invite him to comment on those reasons, within a period of 60 days.

- (7) If the person having filed a proposal fails to comment on the stated reasons within a prescribed time limit, it shall be considered that he agrees with them, and the Office shall issue a decision on the refusal of a proposal for the reinstatement of rights.
- (8) If the person having filed a proposal submits comments referred to in paragraph 6 of this Article, the Office shall examine the facts on which it is based, and shall issue an appropriate decision.
- (9) The indications concerning the reinstatement of rights accompanied by the corresponding indications referred to in paragraph 1 of this Article shall be published in the Office official gazette.
- (10) The indications published in the Office official gazette shall be represented by INID codes.

## XVI. SUPPLEMENTARY PROTECTION CERTIFICATE

### *Request for the Issue of the Supplementary Protection Certificate*

#### Article 41

The indications referred to in Article 87 e paragraph 1 item 1 of these Regulations shall be listed on a form, which forms an integral part of these Regulations (form P-3) or on the form completely corresponding to it, in terms of contents and appearance. Register of Supplementary Protection Certificates

#### Article 42

The following indications shall be entered into the Register of Supplementary Protection Certificates (hereinafter: the Certificate) for medicinal products intended for human beings and animals and for plant protection products:

1. the number of the application for issue of the Certificate;
2. the filing date of the application;
3. the title of the product, for which the issue of the Certificate is applied for (chemical or generic name);
4. the number of the Certificate;
5. the date when the decision concerning the issue of the Certificate was issued;
6. indications concerning the applicant, namely, family name, given name and domicile, if a natural person is concerned, or a company name and the principal place of business, if a legal person is concerned;
7. indications concerning the owner of the Certificate: namely, family name, given name and domicile, if a natural person is concerned, or a company name and the principal place of business, if a legal person is concerned;
8. indications concerning an attorney, namely



- his family name, given name and domicile, if a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned;
9. the number and the date of basic patent application and the title of the invention
  10. the number and date of the authorization to place the product on the market and the title of the product or the product stated in the authorization, respectively;
  11. the duration of the Certificate;
  12. indications concerning the paid annual maintenance fees for the Certificate;
  13. indications concerning the manner of conclusion of the administrative procedure by a decision of the Office;
  14. indications concerning the cessation of rights due to failing to pay the annual fee and maintenance charges;
  15. indications concerning the changes regarding:
    - the applicant or the owner of the Certificate (name, principal place of business, domicile, attorney and other)
    - transfer of rights, licenses, security, seizure, insolvency and other;
  16. indications concerning the procedure to declare the Certificate null and void (filing date, the applicant, type and date of the decision);
  17. indications concerning the appeals procedure (filing date, appellant, type and date of the decision);
  18. indications concerning the cessation of validity of the Certificate: legal basis and the date of cessation and the scope of cessation in case of partial cessation due to waiver, nullity procedure or appeals procedure;
  19. other indications concerning the application if necessary.

*Publication of Indications Concerning the Supplementary Protection Certificate*

Article 43

- (1) The indications contained in an application for a certificate shall be published in the Office official gazette such as follows:
  1. the number of the application for the issue of a Certificate;
  2. the filing date of the application;
  3. the number of the basic patent;
  4. the title of the invention;
  5. the title of the product, for which the issue of the certificate is applied for;
  6. indications concerning the applicant, namely, family name, given name and domicile, if a natural person is concerned, or a company name and the principal place of business, if a legal person is concerned
  7. indications concerning an attorney, namely his family name, given name and domicile, if

- a natural person is concerned, or a company name and its principle place of business, if a legal person is concerned;
8. the number and date of the authorization to place the product on the market and the title of the product or the product stated in the authorization, respectively;
  9. the number and the date and the state of the first authorization to place the product on the market, where necessary according to Article 87 e paragraph 1 item 2 of the Act;
- (2) in case of publication of the decision on the refusal of the application concerning the issue of the Certificate, the indications referred to in paragraph 1 of this Article shall be published along with the date when the decision was issued;
  - (3) In case of publication of the decision on the issue, the indications referred to in paragraph 1 of this Article shall be published along with:
    1. the date when the decision was issued
    2. the number of the Certificate
    3. the duration of the Certificate
    4. the owner of the Certificate
  - (4) In case of publication of the cessation of the validity of the Certificate, the indications referred to in paragraph 3 of this Article shall be published along with the legal basis and the date of cessation of the Certificate.

*Maintenance of the Supplementary Protection Certificate*

Article 44

- (1) The annual maintenance fee for the Certificate shall be paid to the Office for each year of its effective duration in the amount prescribed by special regulations.
- (2) The annual fee referred to in paragraph 1 of this Article relates to a 12-month period which starts on the day and the month of filing the basic patent application, starting from the date when the basic patent ceased, and is charged separately for each year.
- (3) If the final period is shorter than twelve months, the annual fee shall be paid for the entire year.
- (4) If the owner of the Certificate fails to pay the annual fee in accordance with paragraph 2 of this Article, it can be paid in an additional period of six months provided that additional administrative fees and procedural charges are paid for.
- (5) The Office shall inform the owner that he omitted to pay the annual maintenance fee for the Certificate and of the consequences of such omission, as well as of the possibility of payment referred to in paragraph 4 of this Article.
- (6) The owner shall pay the first annual maintenance fee for the Certificate within 60 days from the day of invitation by the Office.

XVII. PROCEDURE CONCERNING INTERNATIONAL PATENT APPLICATIONS FILED WITH THE OFFICE UNDER THE PATENT COOPERATION TREATY (PCT)

*International Patent Application*

Article 45

- (1) The international patent application shall be filed with the Office as the receiving office in one copy, in the English or Croatian language.
- (2) If the international application has been filed in the Croatian language, the applicant shall, within a period of one month from the date of receipt of this application by the Office, submit to it a translation of this international application into the English language.
- (3) The necessary copies of the international patent application including all the documents specified in the check list shall be prepared by the Office, at the applicant's expense.
- (4) The international search and international preliminary examination of the international applications filed with the Office as the receiving office shall be carried out by the European Patent Office
- (5) The filing of the international application shall be subject to payment of the fee according to Article 110, paragraph 2 of the Patent Act, and the fees prescribed by the PCT Regulations, as well as, the fees prescribed by the Agreement between the European Patent Office and the International Bureau of the World Intellectual Property Organization.

Article 46

- (1) In respect of the patent application filed with the Office as the designated or elected office in compliance with Article 111, paragraph 1 of the Act, the applicant shall submit to the Office:
  1. a translation of the international application into the Croatian language;
  2. evidence as to payment of the national fee.

- (2) If the claims have been amended in compliance with the Article 19, of the PCT, a translation of the international application referred to in paragraph 1, item 1 of this Article with the amended claims, and a translation of the statement referred to in Article 19 of the PCT, containing the explanation of the amendments made, have to be furnished.
- (3) If the international patent application has been amended in accordance with Article 34 of the PCT, and the international preliminary examination report contains attachments with amendments as made, the translation of the international application referred to in paragraph (1), item 1 of this Article shall be in compliance with the attachments contained in the international preliminary examination report.

Article 47

The patent applications filed in compliance with Article 111 of the Act shall be published in the Office official gazette, in accordance with Article 20 of these Regulations, not later than within six months after the date of filing of the application with the Office.

XVIII. TRANSITIONAL AND FINAL PROVISIONS

Article 48

The Patent Regulations ("Official Gazette", No. 72/2004) shall cease to be valid on the day these Regulations enter into force.

Article 49

These Regulations enter into force on the day they are published in the "Official Gazette", with the exception of Article 39 of these Regulations which shall enter into force on the 01 June 2008, and Articles 41, 42, 43 and 44 of these Regulations which shall enter into force on the day the Republic of Croatia accedes to the European Union, while Article 3 of these Regulations shall enter into force on the day the European Patent Convention enters into force in the Republic of Croatia.

## REGULATIONS ON AMENDMENTS TO THE PATENT REGULATIONS\*

### Article 1

In the Patent Regulations ("Official Gazette" No. 117/07), Article 41 is amended to read:

"The indications referred to in Article 87e paragraph 1 item 1 of the Act shall be listed on a form, which forms an integral part of these Regulations (form P-3) or on the form completely corresponding to it, in terms of contents and appearance."

### Article 2

In Article 42, paragraph 2 is added to read:

"(2) The provisions of paragraph 1 of this Article shall apply mutatis mutandis to a request for An extension of the duration of the Certificate."

### Article 3

In Article 43, after paragraph 3, a new paragraph 4 is added to read:

"(4) The provisions of paragraphs 2 and 3 of this Article shall apply mutatis mutandis to the publication of the indication of the fact that an extension of the duration of the certificate has been granted or that a request for the extension of the duration of the certificate has been refused."

The former paragraph 4 becomes paragraph 5.

### Article 4

These Regulations shall enter into force on the day of the acceptance of the Republic of Croatia into the European Union.

# REGULATIONS ON AMENDMENTS TO THE PATENT REGULATIONS\*\*

## Article 1

In the Patent Regulations ("Official Gazette" Nos. 117/07 and 3/11), Article 2 is amended to read:

"(1) A patent application, which is filed in writing directly or by post, shall be filed in one copy.

(2) A patent application in electronic form shall be filed by using an e-filing service available at the web site of the Office.

(3) The Office shall publish at its web site technical pre-conditions for the realization of electronic communication for filing an application in accordance with paragraph (1) of this Article. The applicant who wishes to file an application in accordance with paragraph (1) of this Article shall ensure technical pre-conditions required for filing applications, other data or attachments by electronic means. The Office shall ensure the required computer program support for receiving applications, other data or attachments by electronic means.

(4) When filing an application, other data or attachments in accordance with paragraph (1) of this Article, the applicant shall use qualified certificates, issued by an authorized legal person, registered for issuing certificates.

(5) The application filed in accordance with paragraph (1) of this Article shall be considered received by the Office, where the advanced electronic signature has been verified by an automatic action.

(6) Upon the receipt of a successfully received application in accordance with paragraph (1) of this Article, the Office shall notify the applicant by e-mail of the receipt of the application, indicating a temporary file number, as well as the date and time of the receipt.

(7) If the application is filed in accordance with paragraph (1) of this Article, the attachments which shall accompany the application shall be filed in the same manner. The applications filed electronically and carrying an advanced electronic signature shall be considered as signed by a hand-written signature.

(8) The attachments accompanying the application filed in accordance with paragraph (1) of this Article shall be considered as original documents, and the applicant shall guarantee that the attached documentation in electronic form is identical with the original documentation by the advanced electronic signature.

(9) A patent application shall be accompanied by the following:

1. evidence as to payment of the administrative fee and procedural charges, or evidence as to the basis for exemption from payment of the administrative fees and procedural charges;
2. a power of attorney, in cases where the application is filed through a representative;
3. a declaration concerning a common representative, if there are several applicants
4. a declaration of the inventor, in the case when he does not want to be mentioned in the application;
5. a copy of the first application certified by the competent authority, if the priority is claimed in compliance with Article 23 of the Act;
6. a certificate of the display at an international exhibition in compliance with Article 9, paragraph (1) item 2 of the Act, if the invention has been so displayed;
7. evidence or indications concerning a sample of viable biological material, if it is necessary for the disclosure of the invention in compliance with Article 20, paragraph (5) of the Act;
8. a list of nucleotide and/or amino acid sequences, if the application contains a disclosure of one or more nucleotide and/or amino acid sequences."

## Article 2

In Article 3, paragraph (2) the words "paragraphs (1) and (2)" are replaced by the words "paragraph (1)."

## Article 3

Article 11 is amended to read:

"(1) The provisions of Articles 5 to 10 of these Regulations shall also apply to subsequent submissions replacing the essential elements of a patent application. These submissions shall be communicated to the Office in the manner prescribed in Article 2 paragraph (1) of these Regulations.

(2) All the essential elements of a patent application as well as the submissions filed subsequently shall be signed. If the submission lacks the signature, the Office shall order the party by a conclusion to sign it within an appropriate time limit. If signed within that time limit, the submission shall retain the date of its receipt. Failing this, it shall be considered not to be submitted.

## Article 4

In Article 16 paragraph (1), the Croatian word translated as "by a decision" is deleted.

#### Article 5

Title "VII. OPPOSITION TO THE GRANT OF A CONSENSUAL PATENT", a heading above Article 25, and Article 25 are deleted.

#### Article 6

A heading of Title XII. is amended to read:  
"XII. ENTRY OF CHANGES INTO THE REGISTERS AND CORRECTION OF MISTAKES"

#### Article 7

In Article 37 paragraph (1) the words "shall invite the requesting party" are replaced by the words "shall order the requesting party by a conclusion".

#### Article 8

After Article 37, a heading "Request for the Correction of Mistakes" and Article 37a are added to read:

"(1) A procedure for the correction of mistakes shall be initiated by a written request made on the completed form, which forms an integral part of these Regulations (P-4 form), or on a form which completely corresponds to this form by its content and appearance.

(2) A request for the correction of a mistake shall contain:

1. an express indication that the correction of a mistake is applied for;
2. the number of a patent application or a patent to which a request for the correction of a mistake relates;
3. indications concerning the requesting party (family name, given name and domicile, if a natural person is concerned, or a company name and the principal place of business, if a legal person is concerned);
4. an indication of a mistake to be corrected;
5. an indication of a correct data;
6. indications concerning a representative, if a request for the correction of a mistake is filed through a representative;
7. the signature of a requesting party or of its representative.

(3) The request referred to in paragraph (2) of this Article shall be accompanied by:

1. a duly filed power of attorney, if a request for the correction of a mistake is filed through a representative;
2. evidence as to payment of the administrative fee and procedural charges, where a mistake is not attributable to the Office.

(4) If the space provided for a particular column of the P-4 form is not sufficient, the required indication including the number of the column and its full contents shall be attached to the P-4 form, as a special attachment.

(5) The copy of the completed P-4 form referred to in paragraph (1) of this Article shall be delivered to the applicant by the Office as a certificate of the receipt of the request and the pertaining attachments.

(6) The indications concerning the corrected mistakes shall be published together with the indications referred to in paragraph (2) of this Article in the Office Official Gazette.

(7) The indications to be published in the Office Official Gazette shall be represented by INID-codes.

#### Article 9

A heading above Article 40 is amended to read "Contents of the Publication of Indications Concerning the Restitutio in Integrum".

Article 40 is amended to read:

"(1) The following indications shall be published in the Office Official Gazette:

1. indications concerning the person filing a proposal;
2. the date of receipt of a proposal for the restitutio in integrum, and
3. the number of a patent application or a patent

(2) After having decided on a proposal for the restitutio in integrum, the following indications shall be published in the Office Official Gazette:

1. indications concerning the person filing a proposal;
2. the date of issue of a decision on the proposal for the restitutio in integrum;
3. the type of the decision, and
4. the number of a patent application or the number of a patent.

(3) The provisions of this Article shall apply mutatis mutandis to requests for the continued processing."

#### Article 10

P-1, P-2 and P-3 forms used up to now shall cease to be valid on the date of the entry into force of these Regulations.

New P-1, P-2 and P-3 forms shall be applied as of the date of the entry into force of these Regulations, whereas P-3 form shall enter into force on the date of the receipt of the Republic of Croatia to the European Union.

#### Article 11

### TRANSITIONAL AND FINAL PROVISIONS

These Regulations shall enter into force on the date of the publication thereof in the "Official Gazette".

## REGULATIONS ON AMENDMENTS TO THE PATENT REGULATIONS\*\*\*

### Article 1

In the Patent Regulations ("Official Gazette" Nos. 117/07, 03/11 and 66/11), after Article 1, Article 1.a is added to read:

"The expressions having gender meaning as used in these Regulations irrespective of whether they are used in the male or female gender shall include equally the male and female gender."

### Article 2

In Article 2 paragraphs 3 to 8, the words "paragraph (1)" are replaced by the words "paragraph (2)".

### Article 3

Article 3 is amended to read:

"(1) A European patent application shall be filed with the European Patent Office or with the Office as the Receiving Office in one copy, directly, by post or by electronic means, in accordance with the provisions of the European Patent Convention and the pertaining implementing regulations.

(2) A European patent application in electronic form which is filed with the Office shall be filed by using the software support provided by the European Patent Office, in accordance with the Decision of the President of the European Patent Office concerning the electronic filing of documents.

(3) The Office shall publish at its web site technical pre-conditions for the realization of electronic communication for filing an application in accordance with paragraph (2) of this Article. The applicant who wishes to file an application in accordance with paragraph (2) of this Article shall ensure technical preconditions required for filing applications and other data or attachments by electronic means."

### Article 4

Article 13 is amended to read:

"(1) The deposited sample of viable biological material shall be, upon request, made available. The availability of the viable biological material shall consist in its furnishing to the requesting party. The requesting party may be:

1. up to the first publication of the application, any person filing such a request, and having obtained an authorization to that effect from the applicant, as well as the person filing such a request without the applicant's authorization, if he proves that the applicant has, taking action against him, invoked the rights conferred to him by his application;

2. between the publication of the application and the granting of the patent, any person filing such a request;
3. after the patent has been granted, and notwithstanding cancellation or revocation, any person filing such a request.

(2) Up to the fulfillment of technical requirements for the publication of a patent application, the applicant may file a request that the access to the deposited material be allowed only by furnishing the sample to an independent expert designated by the applicant:

1. up to the publication of data on the patent grant, or
2. within a period of twenty years from the filing date, if the application is rejected or withdrawn.

(3) The request referred to in paragraph (1) of this Article shall be filed with the Office on a form prescribed by the authorized institution in accordance with Article 20 paragraph (5) of the Act, on which the Office shall certify that the patent application referring to the deposit of viable biological material has been filed, and that the requesting party is entitled to require the furnishing of the sample of viable biological material. This provision shall also apply to paragraph (2) of this Article *mutatis mutandis*.

(4) The sample shall be made available only if the person requesting it undertakes, for the term during which the patent is in force:

1. not to make it or any material derived from it available to third parties;
2. not to use it or any material derived from it except for experimental or research purposes, unless the applicant for or owner of the patent, as applicable, expressly waives such an undertaking.

This provision shall also apply to paragraph (2) item 2 of this Article *mutatis mutandis*.

(5) The undertaking referred to in paragraph (4) item 2 of this Article shall not exist if the applicant uses the furnished sample of the deposited viable biological material on the basis of a compulsory license."

### Article 5

Article 45 is amended to read:

"(1) The international patent application shall be filed with the Office as the Receiving Office in writing, in one copy, directly, by post or by electronic means in the English or in the Croatian language.

(2) The international patent application in electronic form which is filed with the Office shall be filed by

using the software support provided by the World Intellectual Property Organization or by the European Patent Office.

(3) The Office shall publish at its web site technical pre-conditions for the realization of electronic communication for filing an application in accordance with paragraph (2) of this Article. The applicant who wishes to file an application in accordance with paragraph (2) of this Article shall ensure technical preconditions required for filing applications and other data or attachments by electronic means.

(4) If the international patent application has been filed in the Croatian language, the applicant shall, within a period of one month from the date of receipt of this application by the Office, submit to it a translation of this international patent application into the English language.

(5) The fees prescribed by the Regulations under the Patent Cooperation Treaty and the fees prescribed by the Agreement between the European Patent Office and the International Bureau of the World Intellectual Property Organization shall be paid to the transfer account of the State Budget of the Republic of Croatia in kunas, calculated at mid exchange rate of the Croatian National Bank for foreign currency.

(6) The Office shall collect the fees as paid and referred to in paragraph (5) of this Article, and shall convert them into foreign currencies prescribed by the Regulations under the Patent Cooperation Treaty and by the Rules Relating Fees under the European Patent Convention and shall transmit them to the International Bureau and the European Patent Organization within the prescribed time limits.

(7) The costs of conversion, banking fee and possible exchange rate difference incurred from the day of payment of the amount of fees in kunas to the transfer account of the State Budget to the day on which the Office has transmitted the same, shall be borne by the applicant filing the international patent application.

(8) The international search and international preliminary examination of the international patent applications filed with the Office as the Receiving Office shall be carried out by the European Patent Office.”

#### Article 6

On the day of entering into force of these Regulations, the Regulations on the International Patent Applications (“Official Gazette – International Treaties”, no 10/98) shall cease to be valid.

#### Article 7

These Regulations shall enter into force on the day of their publication in the “Official Gazette”

# REGULATIONS ON AMENDMENTS TO THE PATENT REGULATIONS\*\*\*\*

## Article 1

In the Patent Regulations ("Official Gazette" Nos. 117/07, 3/11, 66/11 and 145/12), Article 11 is amended to read:

### *"Later Submissions*

#### Article 11

(1) The later submissions shall be communicated to the Office in the same way as the patent application.  
(2) The provisions of Articles 5 to 10 of these Regulations shall also apply to submissions replacing the elements constituting a patent application.  
(3) All the constituent elements of the patent application referred to in Articles 5 to 9 of these Regulations, as well as the later submissions shall be signed. If a later submission communicated to the Office in writing lacks the signature, the Office shall order the party by a conclusion to sign it within an appropriate time limit. If signed within that time limit, the submission shall maintain the date of its receipt. Failing this, it shall be considered not to be submitted."

## Article 2

The headings above Articles 41 to 44 and Articles 41 to 44 are amended to read:

### *"Application for a Supplementary Protection Certificate and Request for an Extension of the Duration of the Certificate*

#### Article 41

The indications referred to in Articles 87c and 87h of the Patent Act shall be listed on a form, which forms an integral part of these Regulations (form P-3) or on the form completely corresponding to it, in terms of contents and appearance.

### *Register of Applications for Supplementary Protection Certificates and Register of Supplementary Protection Certificates*

#### Article 42

(1) All the indications concerning Certificates shall be entered in the Register of Applications for Supplementary Protection Certificates (hereinafter: the Certificate) for medicinal products intended for human beings and animals and for plant protection products, and in particular the following indications:

1. the number of the application for a Certificate;
2. the filing date of the application;

3. the name of the product for which the grant of the Certificate is applied for (chemical or generic name);
4. indications concerning the applicant: family name, given name and domicile, if a natural person is concerned, or a company name and the principal place of business, if a legal person is concerned;
5. indications concerning a representative: family name, given name and domicile, if a natural person is concerned, or a company name and the principal place of business, if a legal person is concerned;
6. the number and the filing date of the basic patent application, and the title of the invention;
7. the number and date of the authorization to place the product on the market and the name of the product indicated in the authorization, as prescribed in Article 8 paragraph (1) items (b) and (c) of the Regulation (EC) No. 469/2009 and Article 8 paragraph (1) items (b) and (c) of the Regulation (EC) No. 1610/96;
8. indication concerning an extension of the duration of the Certificate as applied for;
9. other indications, if necessary.

(2) In addition to the indications referred to in paragraph (1) of this Article, the following indications shall be entered in the Register of Supplementary Protection Certificates:

1. the number of a Certificate;
2. the date of issue of a decision on the grant of a Certificate
3. indications concerning the holder of a Certificate: family name, given name and domicile, if a natural person is concerned, or a company name and the principal place of business, if a legal person is concerned;
4. the duration of a Certificate;
5. indication concerning an extension of the duration of a Certificate;
6. indications concerning the paid annual charges for the maintenance of a Certificate;
7. indications concerning the manner of conclusion of the administrative procedure by a decision of the Office;
8. indications concerning the cessation of rights due to failing to pay the annual fee and maintenance charges;
9. indications concerning the procedure to declare the Certificate null and void (filing date, the applicant, type and date of the decision);
10. indications concerning the appeal procedure



(filing date, appellant, type and date of the decision);

11. indications on the cessation of the validity of a Certificate: legal basis and the date of cessation;
12. other indications, if necessary.

- (3) Indications concerning the changes regarding:
- the applicant or the holder of the Certificate (name, principal place of business, domicile, representative and other)
  - transfer of rights, licenses, right in rem, levy of execution, bankruptcy and other
- shall be entered in the corresponding Register.

*Publication of Indications Contained in  
an Application for a Certificate*

Article 43

(1) In accordance with paragraphs (2) of Articles 9 of the Regulation (EC) No. 469/2009 and the Regulation (EC) No. 1610/96, the indications contained in an application for a Certificate shall be published in the Office official gazette, such as follows:

1. the number of the application for a Certificate;
2. the filing date of the application;
3. indications concerning the applicant: family name, given name and domicile, if a natural person is concerned, or a company name and the principal place of business, if a legal person is concerned;
4. the number of the basic patent;
5. the title of the invention;
6. the name of the product for which the grant of the Certificate is applied for;
7. indications concerning a representative: family name, given name and domicile, if a natural person is concerned, or a company name and the principal place of business, if a legal person is concerned;
8. the number and date of the authorization to place the product on the market and the name of the product or the product indicated in the authorization, respectively;
9. where necessary, the number and the date, as well as the state of the first authorization to place the product on the market;
10. an indication concerning an extension of the duration of the Certificate as applied for.

(2) In case of publication of indications concerning the refusal of an application for a Certificate and a request for an extension of the duration of a Certificate, the publication of the indications referred to in paragraph (1) of this Article shall also include the date of issue of the decision.

*Publication of Indications Concerning the  
Grant of a Certificate*

Article 44

(1) In accordance with paragraphs (1) of Articles 11 of the Regulation (EC) No. 469/2009 and the Regulation (EC) No. 1610/96, the indications on the grant of a Certificate shall be published in the Office official gazette, such as follows:

1. indications concerning the holder of a Certificate: family name, given name and domicile, if a natural person is concerned, or a company name and the principal place of business, if a legal person is concerned;
2. the number of a Certificate;
3. the number of an application for a Certificate;
4. the number of the basic patent;
5. the title of the invention;
6. the name of the product for which the grant of the Certificate is applied for;
7. the number and date of the authorization to place the product on the market and the name of the product or the product indicated in the authorization, respectively;
8. where necessary, the number and the date, as well as the state of the first authorization to place the product on the market;
9. the duration of a Certificate;
10. indications concerning a representative: family name, given name and domicile, if a natural person is concerned, or a company name and the principal place of business, if a legal person is concerned.

(2) The provisions of paragraph (1) of this Article shall apply mutatis mutandis to the publication of indications concerning the fact that an extension of the duration of a Certificate has been granted.

(3) In case of publication of the cessation of the validity of a Certificate, the number of the Certificate, the legal basis and the date of the cessation of the Certificate as well as the number of the official gazette in which the Certificate has been published shall be published.”

Article 3

The P-3 form, as used thus far, shall cease to be valid on the day of the entry into force of these Regulations.

Article 4

These Regulations shall enter into force on the day of the publication thereof in the “Official Gazette”.