

Russian Federation

The Federal Service for Intellectual Property, Patents and Trademarks provides the following information addressing relief efforts available under applied Russian patent legislation affected by the “force majeure” circumstances.

Russian patent legislation includes a number of mechanisms to provide the patent applicants with a wide range of opportunities in case of failure to comply with time limits.

1. Mechanism for reinstatement of the time limit missed by the applicant.

According to the Art. 21 (par. 12) of the Patent Law of the Russian Federation of September 23, 1992 as amended (hereinafter- the Patent Law) if the applicant has failed to comply with the time limit for an action before the Office with respect to the application concerned occurred in spite of due care required by the circumstances having been taken or the failure was unintentional such time limits may be reinstated by the Federal executive authority on intellectual property at the demand of an applicant, filed within 12 months from its expiration, provided there is a reasonable excuse and an appropriate fee is paid.

The given mechanism is used in case of failure to comply with time limits for filing an appeal to the Chamber of Patent Disputes, filing a demand for conducting a substantive examination, or furnishing additional elements where such elements are indispensable for the purposes of the examination.

2. Mechanism for extension of the time limit

This mechanism allows an applicant within the prescribed time limit at the demand for the extension of the said time limit and after the payment of the prescribed fee to extend the said time limit for the demand to conduct a substantive examination (Art.21 par.7 of the Patent Law) and furnishing additional elements where such elements are indispensable for the purposes of the examination (Art.21 par.8 of the Patent Law).

3.The system of paying patent fees also provides additional advantages to maintain the legal status of an application or a patent in case of failure to comply with the prescribed time limits for such payment. If the applicant fails to comply with the time limit for the payment of patent fee the applicant may perform the legal actions before the Office during 6 months from the expiry of the prescribed time limit.

The Patent Law of the Russian Federation contains the regulations corresponding to the Art. 48 of the PCT and Rule 82 of the Regulations under the PCT.

In all the cases the Russian Patent Office has got the right to provide the patent applicants with additional opportunities in both cases: of the “force majeure” circumstances, and of giving a reasonable excuse for the impossibility to comply with the prescribed time limit.

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