

## Belarus

With reference to C.PCT 1081 of 19th June 2006, the National Center of Intellectual Property of Belarus submits the following information.

The Belarusian patent legislation does not contain any special legal provisions concerning relief measures for patent applicants and owners affected by "force majeure" circumstances.

However, the existing patent legislation and patent practice provide for:

- a) reinstatement where the applicant, due to legitimate reasons, has failed to comply with a time limit before the Patent Office and non-compliance is prejudicial to his rights. A request for reinstatement of rights must be presented not later than one year from the expiration of the time limit which has not been complied with. Within the said period the omitted act must be performed and the fee for reinstatement must be paid. The request must state the facts which justify the reinstatement. The same procedure is applied in cases of failure to perform the acts referred to in PCT Article 22 within the applicable time limit.
- b) The applicant may, against payment of an extension fee file a request for extension of a time limit for response fixed by the Examiner for a certain procedure before the Patent Office. The request and extension fee must be filed within two months from the date on which the applicant has received an invitation to take action. The filing of the request and extension fee will extend the time limit for response up to six months and later depending on the amount of the extension fee paid.
- c) If a patent ceases through non-payment of maintenance fees and its term of validity has not yet expired, the patent may be restored upon request of the patent owner and payment of a patent restoration fee and the maintenance fee arrears.

Furthermore, we have notified the International Bureau that new PCT Rules 26bis.3, 49ter.1 and 49ter.2 of the PCT Regulations concerning the restoration of right of priority are compatible with the national law and may be applied in respect of the Patent Office.

31 August 2006