

Israel

The Israeli Patent Office does not have a specific emergency preparedness plan. The patent law of Israel includes some provisions that can be applicable in extraordinary circumstances, including the extension of time limits.

The common basic requirements for granting extensions of time are as follows:

- payment of an extension fee according to the number of months required; and
- an affidavit (statutory declaration) explaining the circumstances behind the request for an extension of time, signed before a person authorized for this purpose in the place of the signing (attorney, notary, commissioner of oaths).

The affidavit must be made by a person knowing personally the stated facts, contain adequate reasons explaining the circumstances behind the request for an extension of time, and must be filed as soon as possible after the circumstances became known. Additional affidavits may also be required in certain situations, for example, when it appears that the person making the affidavit is not fully aware of all the facts, or where additional clarification is required.

The Israeli Patent Office typically grants extensions of time in the following circumstances:

- 1) Patent applications filed after the expiry of the priority period (Paris Convention applications)
For applications filed after the expiry of the priority period, the declarant must show that the delay occurred because of **circumstances over which the applicant and his representative had no control and which they could not have prevented from arising**.
- 2) Late entry into the national phase (PCT applications)
For late entry into the national phase, the **due care criteria** is applied. The applicant must convince the Commissioner that the failure to enter the national phase in time occurred in spite of due care.
- 3) Late addition of a priority claim
For the late addition of a priority claim, the **first two months** of extension are automatic, after payment of a fee. Further extensions of time are available upon showing, by affidavit, that the omission of the priority claim was *bona fide*. This corresponds to the **unintentional criteria**.

August 30, 2006