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Questionnaire Regarding the Implementation of the Patent Law Treaty (PLT)

January 2015

This questionnaire is intended to gather information on how the PLT is implemented at the national/regional level, and to share such information with current and future PLT Contracting Parties, as well as with patent practitioners and the public.

The national and regional patent offices of the PLT Contracting States are invited to complete this questionnaire.

The completed questionnaire should be returned by any of the following means:

- e-mail : plt.forum@wipo.int
- facsimile : +41-22-338-8830
- mail : WIPO, 34, chemin des Colombettes, 1211 Geneva, Switzerland

Please provide contact details:

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Q1 Filing date

Q1-1 For the purpose of obtaining a filing date, an applicant may file an application on paper or “as otherwise permitted by the Office”. If your Office accepts applications filed in a form or by a means other than on paper, for the purpose of the filing date (for example, on-line filing), please provide a brief explanation regarding the acceptable form or means, and describe whether such form or means, for the purpose of the filing date, are different from the form or means applicable to applications accepted by your Office for the purpose of processing the application after according the filing date.
[Reference: PLT Article 5(1)(a)]

A1-1 The Danish Patent and Trademark Office accepts the filing of application on paper, by fax and email. We also have an online filing system. For the purposes of a filing date the form and means applicable to such applications are the same.

Q1-2 Does your Office accept a drawing as the element referred to as “a part which on the face of it appears to be a description” in PLT Article 5(1)(a)(iii)?
[Reference: PLT Article 5(1)(b)]

A1-2

Yes

No

Q1-3 For the purpose of according the filing date, a Contracting Party shall require information allowing the identity of the applicant to be established or information allowing the applicant to be contacted by the Office, or the both. What is the requirement of your country?

[Reference: *PLT Article 5(1)(c)*]

- A1-3 Information allowing the identity of the applicant to be established
- Information allowing the applicant to be contacted by the Office
- Both information allowing the identity of the applicant to be established and information allowing the applicant to be contacted by the Office

Q1-4 Does your Office accept evidence allowing the identity of the applicant to be established or allowing the applicant to be contacted by the Office as the element referred to in PLT Article 5(1)(a)(ii) ("indications allowing the identity of the applicant to be established or allowing the applicant to be contacted by the Office")?

[Reference: *PLT Article 5(1)(c)*]

- A1-4 Yes No

Q1-5 For the filing date to be determined under PLT Article 5(6)(b), which of the optional elements referred to in PLT Rule 2(4) are required by your Office?

[Reference: *PLT Rule 2(4)*]

- A1-5 A copy of the earlier application
- A copy of the earlier application and its filing date, certified as correct
- A translation of the earlier application
- The missing part of the description or missing drawing must be completely contained in the earlier application
- The application must contain an indication that the contents of the earlier application were incorporated by reference
- An indication as to where the missing part of the description or the missing drawing is contained in the earlier application or in the translation

Q1-6 For a reference to a previously filed application to replace the description and any drawing for the purpose of the filing date under PLT Article 5(7), which of the requirements referred to in PLT Rule 2(5) are required by your Office?

[Reference: *PLT Rule 2(5)*]

- A1-6 The reference to a previously filed application must indicate the filing date of the previously filed application
- A copy of the previously filed application
- A copy of the previously filed application, certified as correct
- A translation of the previously filed application
- The reference mentioned in PLT Article 5(7)(a) shall be to a previously filed application that has been filed by the applicant or his predecessor or successor in title

Q2 Representation

Q2-1 In addition to the procedures referred to in PLT Article 7(2)(a) and (b), are there any procedures before the Office that an applicant, owner or other interested person may carry out himself without, for example, a local representative? If yes, please list those procedures.
 [Reference: PLT Article 7(2)]

A2-1 There is no requirement to appoint a representative for the purpose of any procedure before the Danish Patent and Trademark Office.

Q2-2 Where a single power of attorney relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single power of attorney be filed for each application and patent?
 [Reference: PLT Rule 7(2)(b)]

A2-2 Yes No

Q3 Forms and Means of Communications

Q3-1 Does your Office permit the filing of communications by telegraph, teleprinter, telefacsimile or other similar means of transmittal? If yes, does your Office require that the original of such communication, accompanied by a letter identifying the earlier transmission, be filed on paper?
 [Reference: PLT Rule 8(2)(c)]

- A3-1 The filing of communications by telegraph, teleprinter, telefacsimile etc. is not permitted
- The filing of communications by telegraph, teleprinter, telefacsimile etc. is permitted, and the original of the communications by telegraph, teleprinter, telefacsimile etc. is required
- The filing of communications by telegraph, teleprinter, telefacsimile etc. is permitted, and the original of the communications by telegraph, teleprinter, telefacsimile etc. is not required.

Q4 Relief in Respect of Time Limits

Q4-1 Which form of relief in respect of time limits does your Office provide?
 [Reference: PLT Article 11(1), (2) and (4)]

- A4-1 Extension of time limits requested prior to the expiration of the time limit
 Period of extension: 2 months in general
 Amount of fee: None
- Extension of time limits requested after the expiration of the time limit
 Time limit to file a request for extension:

 Time limit to comply with the unfulfilled requirement:

 Amount of fee:
- Continued processing
 Time limit to file a request for continued processing: 4 months
 Time limit to comply with the unfulfilled requirement: 4 months
 Amount of fee: DKK 700

Q4-2 Which actions are excluded from the relief as described in A4-1?
 [Reference: PLT Article 11(3) and Rule 12(5)]

A4-2 Extension of a time limit prior to the expiration of the time limit is possible to the invitation to correct formal deficiencies and to the invitation to correct technical deficiencies. Normally an extension of the time limit is not provided where a previous extension is given regarding the same issue. We do not give extension of the time limits mentioned in rule 12 (5) (ii)-(v).....

Q5 Reinstatement of Rights

Q5-1 Under which circumstance does your Office reinstate the rights of the applicant or owner as referred to in PLT Article 12? In addition, please provide a brief explanation of the applicable standard.
 [Reference: PLT Article 12(1)]

A5-1 Failure to comply with the time limit occurred in spite of due care required by the circumstances having been taken

Failure to comply with the time limit was unintentional

.....

Q5-2 What is the time limit for making a request for reinstatement of rights?
 [Reference: PLT Rule 13(2)]

A5-2 Two (2) months from the removal of the cause of non-compliance with the time limit, but at the latest within one (1) year following the expiry of the time limit.

Q5-3 Does your Office require a fee to be paid? If yes, please indicate the amount.
 [Reference: PLT Article 12(3)]

A5-3 Yes Amount: DKK 3000 No

Q5-4 Which actions are excluded from the reinstatement of rights?
 [Reference: PLT Article 12(2) and Rule 13(3)]

A5-4 None.

Q6 Restoration of Priority Rights Where the Filing of the Subsequent Application was Delayed

Q6-1 Under which circumstance does your Office restore the right of priority where the subsequent application was not filed within the priority period?
 [Reference: PLT Article 13(2)]

A6-1 Failure to file the subsequent application within the priority period occurred in spite of due care required by the circumstances having been taken

Failure to file the subsequent application within the priority period was unintentional

Q6-2 In order to restore the right of priority, what is the time limit within which the subsequent application shall be filed?

[Reference: *PLT Rule 14(4)*]

A6-2 At the latest, within two (2) months from the expiry of the priority year.

Q6-3 Does your Office require a fee to be paid? If yes, please indicate the amount.

[Reference: *PLT Article 13(4)*]

A6-3 DKK 3000

Q7 Restoration of Priority Rights Where the Filing of a Copy of the Earlier Application was Delayed

Q7-1 In order to restore the right of priority where a copy of the earlier application was not filed within the time limit, does your Office require a declaration or other evidence in support of the request for restoration of priority rights?

[Reference: *PLT Article 13(3) and Rule 14(6)(b)*]

A7-1

Yes

No

Q7-2 Where the filing date of a copy of the earlier application was delayed (for example, a copy of the earlier application has not been filed within 16 months from the priority date), in order to enjoy restoration of priority right, what is the time limit within which such delayed copy of the earlier application shall be filed?

[Reference: *PLT Rule 14(6)(b)*]

A7-2 Same as A5-2.

Q7-3 Does your Office require a fee to be paid? If yes, please indicate the amount.

[Reference: *PLT Article 13(4)*]

A7-3 DKK 3000

Q8 Request for Recordation of Change in Name or Address

Q8-1 Where a single request for recordation of change in name or address relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?

[Reference: *PLT Rule 15(3)(b)*]

A8-1

Yes

No

Q9 Request for Recordation of Change in Applicant or Owner

Q9-1 Does your Office require the following elements to be contained in the request for recordation of change in applicant or owner?

[Reference: *PLT Rule 16(1)(b)*]

A9-1 A statement that the information contained in the request is true and correct

Information relating to any government interest

Not applicable.

Q9-2 Which documentation relating to the basis of the change is required by your Office under the following circumstances?

[Reference: PLT Rule 16(2)(a) to (c)]

A9-2

The change results from a contract: Extract of the transfer agreement or a signed statement regarding the transfer.

The change results from a merger or from the reorganization or division of a legal entity: Extract of the transfer agreement or a signed statement regarding the transfer.

The change results from any other ground (ex. by operation of law or a court decision): Copy of the legal document or decision.

Q9-3 Where the change in applicant or owner is in the person of one or more but not all of several co-applicants or co-owners, does your Office require that evidence of the consent of the other co-applicants or co-owner to the change be provided to the Office?

[Reference: Rule 16(2)(d)]

A9-3

Yes

No

Q9-4 Where a single request for recordation of change in applicant or owner relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?

[Reference: PLT Rule 16(5)]

A9-4

Yes

No

Q10 Request for Recordation of a License or a Security Interest

Q10-1 May a license or a security interest in respect of a patent application or a patent be recorded under the law of your country?

[Reference: PLT Rule 17(1)]

A10-1

Recordation of a license

Yes

No

Recordation of a security interest

Yes

No

If one or both of the answers is(are) "Yes", please proceed to **Q10-2**. If both answers are "No", please skip to **Q11**.

Q10-2 Does your Office require the following elements to be contained in the request for recordation of a licence (or a security interest)?

[Reference: PLT Rule 17(1)(b)]

A10-2

A statement that the information contained in the request is true and correct

Information relating to any government interest by your country

Information relating to the registration of the license (security interest)

The date of the license (security interest) and its duration

Q10-3 Which documentation relating to the basis of the license (or security interest) is required by your Office under the following circumstances?

[Reference: PLT Rule 17(2)]

A10-3

The license (security interest) is a freely concluded agreement: An extract of the license agreement or a statement regarding the license signed by both licensee and licensor.

The license (security interest) is not a freely concluded agreement (ex. operation of law or a court decision): A copy of the decision/legal document.

Q10-4 Where the licence (or security interest) is a freely concluded agreement, does your Office require that any applicant, owner, exclusive licensee, co-applicant, co-owner or co-exclusive licensee who is not party to that agreement give his/her consent to the recordation of the agreement?
[Reference: Rule 17(2)(b)]

A10-4 No.

Q10-5 Where a single request for recordation of a license (or security interest) relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?
[Reference: PLT Rule 17(5)]

A10-5

 Yes No**Q11 Request for Correction of a Mistake**

Q11-1 Does your Office prescribe the following requirements with respect to a request for correction of a mistake?
[Reference: PLT Rule 18(1)(b) to (d)]

A11-1 The request shall be accompanied by a replacement part or a part incorporating the correction The request shall be subject to a declaration by the requesting party stating that the mistake was made in good faith The request shall be subject to a declaration by the requesting party stating that such request was made without undue delay following the discovery of the mistake The request shall be subject to a declaration by the requesting party stating that such request was made without intentional delay following the discovery of the mistake

Q11-2 Where a single request for the correction of a mistake relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?
[Reference: PLT Rule 18(3)]

A11-2

 Yes No

[End of questionnaire]