

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:

Country/Name of Office: State Intellectual Property Office of the Republic of Croatia

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Name: Jasminka Adamović // Tatjana Nikolić

Title: Head of Service for Legal and Administrative Affairs // Head of Section for Administrative Affairs

.....

Telephone: +385 1 6106243 // +385 1 6106 986

E-mail: jasminka.adamovic@dziv.hr // tatjana.nikolic@dziv.hr

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 We accept e-filing as well. E-filing is only possible if certain technical prerequisites are met, which include qualified electronic signatures (advanced electronic signatures based on a qualified certificate). There is no difference between the form and/or means needed for the purpose of obtaining a filing date and the form and/or means acceptable for processing an application after the filing date has been accorded.

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
OR
 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 In addition to the procedures in PLT Article 7(2)(a) and (b) a natural or legal person may take the following actions without an authorized representative: take steps aimed at determining the filing date, receive notifications from SIPO regarding the procedures in which no representation is required.

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: various.....
 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: Two (2) months of the receipt of a SIPO notification of the lapsed time limit and the resulting loss of rights
 Time limit to comply with the unfulfilled requirement: Two (2) months of the receipt of a SIPO notification of the lapsed time limit and the resulting loss of rights
 Amount of fee: 66,36 EUR

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 The extension of time limits may only be requested in situations specifically prescribed by law. Continued processing may not be requested in case of a missed deadline for: 1) filing a request for continued processing, 2) claiming a priority right or its restoration, correction or amendment, 3) filing a request for the reinstatement of rights, 4) a renewal fee payment, 5) filing an SPC and/or SPC extension application, and/or, 6) undertaking any acts in *inter partes* proceedings.

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 Three (3) months from the date of the removal of the cause of failure to comply with the time limit in question, or twelve (12) months from the date of expiration of the time limit in question, i.e. from the date of expiration of the period of grace for the payment provided by law if the request relates to a non-payment of a renewal fee, whichever expires first.

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: 106,18 EUR..... No

Q5-4 Which actions are excluded from the reinstatement of rights?

[Reference: PLT Article 12(2) and Rule 13(3)]

A5-4 The reinstatement of rights may not be requested in case of a missed deadline for: 1) filing a request for the reinstatement of rights, 2) filing a request for a time-limit extension 3) claiming a priority right or its restoration, correction or amendment, 4) filing a request for continued processing, 5) filing a request for a substantial examination of a patent/utility model application, 6) filing an SPC and/or SPC extension application, 7) filing a request for a European patent validation and submitting documents required by law for the validation and/or, 8) undertaking any acts in *inter partes* proceedings.

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 Two (2) months after the date of expiry of the priority period.....

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

[Reference: PLT Article 13(4)]

A6-3 26,54 EUR

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 It is not allowed to correct or to amend priority claim after expiration of 16 months from the earliest priority that is claimed, i.e the time limits shall be counted from the earliest priority date as corrected.

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

[Reference: PLT Article 13(4)]

A7-3 Not applicable

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

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: The original or a certified copy of the relevant contract or a public document proving the legal ground of the change, or the relevant part thereof, and the translation thereof into Croatian.....
.....
.....

The change results from a merger or from the reorganization or division of a legal entity:

The original or a certified copy of the relevant document proving the legal ground of the change, or the relevant part thereof, and the translation thereof into Croatian.....
.....

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

The original or a certified copy of the relevant document proving the legal ground of the change, or the relevant part thereof, and the translation thereof into Croatian.....
.....

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: The original or a certified copy of the relevant contract or a public document proving the legal ground of the change, or the relevant part thereof, and the translation thereof into Croatian.....

The license (security interest) is not a freely concluded agreement (ex. operation of law or a court decision): The original or a certified copy of the relevant document proving the legal ground of the change, or the relevant part thereof, and the translation thereof into Croatian.....

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 The consent of all registered right owners is needed for the conclusion of a license agreement regarding the registered right.

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]