

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 An application for invention shall be filed with Rospatent on paper or in electronic form. Applications filed on paper are scanned and converted into electronic form. The processing of all applications (filed on paper or in electronic form) is carried out electronically. The filing date of an application is determined by the date of its receipt by Rospatent regardless of the filing method.

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 An applicant registered in the Russian Federation, may interact with Rospatent without the assistance of patent attorneys. If multilateral agreements to which Russian Federation is a party, provides so, the foreign nationals may also interact with Rospatent without the assistance of patent attorneys.

The Government of the Russian Federation concluded such agreements with the Governments of the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, Georgia, the Kyrgyz Republic, the Republic of Kazakhstan and the Republic of Uzbekistan.

Other non-resident applicants interact with Rospatent through patent attorneys registered with Rospatent.

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: **from the 1st to the 6th month (Article 1386(6) of the Civil Code of the Russian Federation)**
 Amount of fee: **800 RUB**
- Period of extension: **from the 7th to the 10th month**
 Amount of fee: **1 100 RUB (para. 1.15.1 of Annex 1 to the Regulations on patent and other fees for the performance of legally significant actions related to a patent for invention, utility model, industrial design, state registration of a**

trademark and service mark, state registration and granting the exclusive right to a geographical indication, appellation of place of origin, as well as with state registration of alienation of the exclusive right to the result of intellectual activity result or means of individualization, pledge of the exclusive right, granting the right to use such result or such means under a contract, transfer of the exclusive right to such result or such means without a contract)

Extension of time limits requested after the expiration of the time limit

Time limit to file a request for extension: **12 months from the expiration of the time limit (Article 1389(2) of the Civil Code of the Russian Federation)**

Time limit to comply with the unfulfilled requirement: **together with a request for restoration of the missed time limit (Article 1389(2) of the Civil Code of the Russian Federation)**

Amount of fee: **2 100 RUB (para. 1.16.1 of Annex 1 to the Regulations on patent and other fees for the performance of legally significant actions related to a patent for invention, utility model, industrial design, state registration of a trademark and service mark, state registration and granting the exclusive right to a geographical indication, appellation of place of origin, as well as with state registration of alienation of the exclusive right to the result of intellectual activity result or means of individualization, pledge of the exclusive right, granting the right to use such result or such means under a contract, transfer of the exclusive right to such result or such means without a contract)**

Continued processing

Time limit to file a request for continued processing: **12 months from the expiration of the time limit (Article 1389(2) of the Civil Code of the Russian Federation)**

Time limit to comply with the unfulfilled requirement: **together with a request for restoration of the missed time limit (Article 1389(2) of the Civil Code of the Russian Federation)**

Amount of fee: **2 100 RUB (para. 1.16.1 of Annex 1 to the Regulations on patent and other fees for the performance of legally significant actions related to a patent for invention, utility model, industrial design, state registration of a trademark and service mark, state registration and granting the exclusive right to a geographical indication, appellation of place of origin, as well as with state registration of alienation of the exclusive right to the result of intellectual activity result or means of individualization, pledge of the exclusive right, granting the right to use such result or such means under a contract, transfer of the exclusive right to such result or such means without a contract)**

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 Pursuant to Article 1386(1) of the Civil Code of the Russian Federation, the time limit for filing a request for substantive examination of an application for an invention may be extended at the applicant's request filed before the expiration of the time limit, but not more than for two months.

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

Pursuant to Article 1389(1) of the Civil Code of the Russian Federation, the basic and extended time limit missed by the applicant for submitting the documents or additional materials at the Rospatent's request, the time limit for filing a request for substantive examination of an application for an invention and the time for filing an observation with Rospatent may be restored by Rospatent, provided that the applicant indicates valid reasons for not complying with the time limit.

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

A5-2 A request for restoration of the missed time limit may be filed with Rospatent within 12 months from the expiration 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

<input checked="" type="checkbox"/>	Yes	Amount: 2 100 RUB (para. 1.16.1-1.16.3 Annex 1 to the Regulations on patent and other fees for the performance of legally significant actions related to a patent for invention, utility model, industrial design, state registration of a trademark and service mark, state registration and granting the exclusive right to a geographical indication, appellation of place of origin, as well as with state registration of alienation of the exclusive right to the result of intellectual activity result or means of individualization, pledge of the exclusive right, granting the right to use such result or such means under a contract, transfer of the exclusive right to such result or such means without a contract)	<input type="checkbox"/>	No
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Q5-4 Which actions are excluded from the reinstatement of rights?
[Reference: PLT Article 12(2) and Rule 13(3)]

A5-4 The applicant's right to request a substantive examination of an invention application after the expiration of the time limit shall not be reinstated (Article 1386(1) of the Civil Code of the Russian Federation)

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 The time limit for filing an application for which conventional priority is claimed may be extended by no more than two months (Article 1382(1) of the Civil Code of the Russian Federation)

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

[Reference: PLT Article 13(4)]

A6-3 800 RUB (para. 1.17 of Annex 1 to the Regulations on patent and other fees for the performance of legally significant actions related to a patent for invention, utility model, industrial design, state registration of a trademark and service mark, state registration and granting the exclusive right to a geographical indication, appellation of place of origin, as well as with state registration of alienation of the exclusive right to the result of intellectual activity result or means of individualization, pledge of the exclusive right, granting the right to use such result or such means under a contract, transfer of the exclusive right to such result or such means without a contract)

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 If a copy of the earlier application has not been filed within 16 months from the priority date, the right of priority may nevertheless be recognised by Rospatent at the applicant's request before the expiration of the mentioned period, provided that a copy of the first application is requested by the applicant from the IP Office with which the first application was filed within 14 months from the date of filing of the first application and is submitted to Rospatent within two months from the date of its receipt by the applicant (Article 1382(3) of the Civil Code of the Russian Federation)

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

[Reference: PLT Article 13(4)]

A7-3 800 RUB (para. 1.17 of Annex 1 to the Regulations on patent and other fees for the performance of legally significant actions related to a patent for invention, utility model, industrial design, state registration of a trademark and service mark, state registration and granting the exclusive right to a geographical indication, appellation of place of origin, as well as with state registration of alienation of the exclusive right to the result of intellectual activity result or means of individualization, pledge of the exclusive right, granting the right to use such result or such means under a contract, transfer of the exclusive right to such result or such means without a contract)

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:

Supporting documents are required, in particular, a contract on the transfer of the right to a patent to another person, or a copy of the contract certified by its parties, or an extract from the contract, if the request for recordation of a change regarding the transfer of the right signed by the representatives (representative) of the parties

Where the request for recordation of a change regarding the transfer of the right relates to the application of a foreign applicant – document confirming the transfer of the right to a patent provided for by the legislation of the state of document origin, translation in Russian thereof

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

It is required to submit certified copies of documents confirming the said changes in the legal entity name

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

It is required to submit a certified copy of the judicial act containing information confirming the said changes

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:

for the state registration of the disposal of a right on the basis of a license (or pledge) it is required:

1) request signed by the parties to the agreement containing the terms and conditions of granting the license (or pledge).

2) request signed by one of the parties to the agreement together with one of the following documents:

- notification signed by the parties to the agreement on the accomplished disposal of the exclusive right;
- extract from the agreement certified by a notary;
- originally signed agreement

The license (security interest) is not a freely concluded agreement (ex. operation of law or a court decision):

State registration of the granting and termination of the right to use an invention, utility model or industrial design under a compulsory simple (non-exclusive) license shall be carried out on the basis of a court decision.

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 Where a license (or pledge) is a freely concluded agreement, the agreement on granting an exclusive license (or security interest) must be signed by all parties to the agreement: the owner (co-owners) and the licensee (co-licensees).

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]