

Platform Formalities Officers - Examination 2018

Thursday 31 May 2018

Exam starts: 2.00 pm / Exam ends: 5.00 pm

1. The Examination 2018 comprises 20 multiple choice questions and 3 open cases
2. You should attempt all questions
3. Please write clearly, as it is difficult to award marks to illegible answers
4. The Examination consists of 26 pages
5. In addition you are provided with
 - Answer sheets (5 pages)
 - Calendars 2017, 2018 and 2019
 - Official Holidays 2017 OCNL, WIPO and EPO, 2018 OCNL, WIPO, BOIP and EPO (6 pages)
 - EPO schedule of fees (3 pages)
 - PCT applicant's Guide (18 pages)
6. Please ensure your Examination Number is written on each page of your answer sheets and any forms submitted. **Please do NOT write your name on the answer sheets**
7. When you have finished your exam, we would request you to place all answer sheets including the colored paper (name, number and signature) in the envelope and to seal the envelop.

Marking

Multiple choice questions:	3 marks per multiple choice question (20 questions)
Case 1:	17 marks
Case 2:	10,5 marks
Case 3:	12,5 marks

Answer sheet - 1

Multiple choice questions:

Mark the correct answer with an X in box **A, B, C** or **D**

	A	B	C	D	
Question 1.					
Question 2.					
Question 3.					
Question 4.					
Question 5.					
Question 6.					
Question 7.					
Question 8.					
Question 9.					
Question 10.					
Question 11.					
Question 12.					
Question 13.					
Question 14.					
Question 15.					
Question 16.					
Question 17.					
Question 18.					
Question 19.					
Question 20.					

Answer sheet - 2

Case 1:

Answer sheet - 4

Case 3:

EPO schedule of Fees

1 / 3 pages



Online Fee Payment - Schedule of Fees

Search criteria

Fee group: ALL FEES
 Code:
 Description:
 Valid at: 07.05.2018
 Currency: EUR

Code	Description	Amount EUR
001	Filing fee - EP direct - not online	210,00 +
001	Filing fee - EP direct - online	120,00 +
002	Fee for a European search - Supplementary search for applications filed before 01.07.2005	885,00 +
002	Fee for a European search - Applications filed on/after 01.07.2005	1.300,00 +
003	Fee for an international search	1.775,00 +
004	Fee for an international-type search - first filings	1.205,00 +
004	Fee for an international-type search - all other cases	1.890,00 +
005	Designation fee - For each State designated (max. 7x) for applications filed before 01.04.2009	100,00 +
005	Designation fee - For all contracting States designated for applications filed on/after 01.04.2009	585,00 +
006	Examination fee - For applications filed before 01.07.2005 and for international applications filed on/after 01.07.2005 without supplementary Europ	1.825,00 +
006	Examination fee - For applications filed on/after 01.07.2005	1.635,00 +
007	Fee for grant and printing (not more than 35 pages) or fee for grant including fee for publication	925,00 +
008	Additional printing fee for 36th and each subsequent page	15,00 +
009	Fee for publishing a new specification of the European patent	75,00 +
010	Opposition fee	785,00 +
011	Fee for appeal - for an appeal filed by an entity other than those referred to in Rule 6(4) and (5) EPC	2.255,00 +
011	Fee for appeal - for an appeal filed by a natural person or an entity referred to in Rule 6(4) and (5) EPC	1.880,00 +
013	Fee for re-establishment, reinstatement, restoration (EPC, PCT)	640,00 +
014	Conversion fee	75,00 +
015	Claims fee - for the 16th and each subsequent claim to the limit of 50	235,00 +
015	Claims fee - For the 51st and each subsequent claim	585,00 +
016	Claims fee in accordance with R. 71(4) - for the 16th and each subsequent claim to the limit of 50	235,00 +
016	Claims fee in accordance with R. 71(4) - For the 51st and each subsequent claim	585,00 +
017	Fee for the request of a decision on the fixing of costs by the opposition division (Rule 88(3) EPC)	75,00 +
018	Fee for the conservation of evidence	75,00 +
019	Transmittal fee for an international application	130,00 +
020	Filing fee - entry EP-phase - not online	210,00 +
020	Filing fee - entry EP-phase - online	120,00 +
021	Fee for preliminary examination of int. application	1.830,00 +
022	Registering of transfer	100,00 +
023	Registering of licences and other rights	100,00 +
024	Cancellation of entry licences and other rights	100,00 +

EPO schedule of Fees

2 / 3 pages

025	Certified copy of patent certificate	50,00 +
026	Extract from the Europ. Patent Register	40,00 +
027	Inspection of files (paper copies max. 100 pgs, electr. storage medium)	50,00 +
029	Certified copy of application, priority document	50,00 +
030	Communication of information from the files	40,00 +
031	Issue of receipts by fax	55,00 +
033	Renewal fee for the 3rd year	470,00 +
034	Renewal fee for the 4th year	585,00 +
035	Renewal fee for the 5th year	820,00 +
036	Renewal fee for the 6th year	1.050,00 +
037	Renewal fee for the 7th year	1.165,00 +
038	Renewal fee for the 8th year	1.280,00 +
039	Renewal fee for the 9th year	1.395,00 +
040	Renewal fee for the 10th year (constant from 10th year on)	1.575,00 +
041	Renewal fee for the 11th year	1.575,00 +
042	Renewal fee for the 12th year	1.575,00 +
043	Renewal fee for the 13th year	1.575,00 +
044	Renewal fee for the 14th year	1.575,00 +
045	Renewal fee for the 15th year	1.575,00 +
046	Renewal fee for the 16th year	1.575,00 +
047	Renewal fee for the 17th year	1.575,00 +
048	Renewal fee for the 18th year	1.575,00 +
049	Renewal fee for the 19th year	1.575,00 +
050	Renewal fee for the 20th year	1.575,00 +
055	Add. copy of docs cited in search report	40,00 +
056	Surcharge fee for printing (R. 82(3), R. 95(3))	120,00 +
060	Fee for a technical opinion	3.900,00 +
061	Max. surcharge under Art. 7(3) RFees	150,00 +
062	Protest fee - for international applications	875,00 +
063	Late payment fee (R. 16bis.2 PCT), maximum amount	581,50 +
064	Late payment fee (R. 58bis.2 PCT)	350,00 +
066	Fee for late furnishing of sequence listings (R. 13ter.1, 13ter.2 PCT)	230,00 +
067	Fee for late furnishing of sequence listing (R. 30(3) EPC)	230,00 +
069	Review fee for a supplementary international search - Review fee for a supplementary international search	875,00 +
080	Certification of other documents	50,00 +
093	Add. fee for renewal fee 3rd year	235,00 +
094	Add. fee for renewal fee 4th year	292,50 +
095	Add. fee for renewal fee 5th year	410,00 +
096	Add. fee for renewal fee 6th year	525,00 +
097	Add. fee for renewal fee 7th year	582,50 +
098	Add. fee for renewal fee 8th year	640,00 +
099	Add. fee for renewal fee 9th year	697,50 +
100	Add. fee for renewal fee 10th year	787,50 +
101	Add. fee for renewal fee 11th year	787,50 +
102	Add. fee for renewal fee 12th year	787,50 +
103	Add. fee for renewal fee 13th year	787,50 +
104	Add. fee for renewal fee 14th year	787,50 +
105	Add. fee for renewal fee 15th year	787,50 +
106	Add. fee for renewal fee 16th year	787,50 +
107	Add. fee for renewal fee 17th year	787,50 +
108	Add. fee for renewal fee 18th year	787,50 +
109	Add. fee for renewal fee 19th year	787,50 +
110	Add. fee for renewal fee 20th year	787,50 +
111	Fee for petition for review	2.910,00 +

EPO schedule of Fees

3 / 3 pages

121	Fee for further processing (late performance of acts R. 71(3))	255,00 +
122	Fee for further processing (non fee related cases)	255,00 +
123	Fee for further processing (late payment of a fee - 50% of the relevant fee)	0,00 +
131	Limitation fee	1.165,00 +
141	Revocation fee	525,00 +
222	PCT charge per sheet in excess of 30	13,00 +
224	Handling fee	175,00 +
225	International filing fee	1.163,00 +
316	PCT - Web-form filing reduction	87,00 -
318	PCT - PDF reduction	175,00 -
319	PCT - XML reduction	262,00 -
400	Surcharge for extension fees	51,00 +
401	Extension fee for Slovenia (SI) (EPC Contracting State as from 1.12.2002)	102,00 +
402	Extension fee for Lithuania (LT) (EPC Contracting State as from 1.12.2004)	102,00 +
403	Extension fee for Latvia (LV) (EPC Contracting State as from 1.7.2005)	102,00 +
404	Extension fee for Albania (AL) (EPC Contracting State as from 1.5.2010)	102,00 +
405	Extension fee for Romania (RO) (EPC Contracting State as from 1.3.2003)	102,00 +
406	Extension fee for former Yugoslav Republic of Macedonia (MK) (EPC Contracting State as from 1.1.2009)	102,00 +
407	Extension fee for Croatia (HR) (EPC Contracting State as from 1. 1. 2008)	102,00 +
408	Extension fee for Bosnia and Herzegovina (BA) - Extension fee for Bosnia and Herzegovina	102,00 +
409	Extension fee for Serbia (RS) (filing date as of 04.06.2006-30.09.2010)	102,00 +
410	Extension fee for Montenegro (ME)	102,00 +
420	Validation fee for Morocco (MA)	240,00 +
421	Validation fee for the Republic of Moldova (MD)	200,00 +
422	Validation fee for Tunisia (TN)	180,00 +
423	Validation fee for Cambodia (KH)	180,00 +
450	Surcharge on the validation fee for Morocco (MA)	120,00 +
451	Surcharge on the validation fee for the Republic of Moldova (MD)	100,00 +
452	Surcharge on the validation fee for Tunisia (TN)	90,00 +
453	Surcharge on the validation fee for Cambodia (KH)	90,00 +
501	Additional filing fee for the 36th and each subsequent page	15,00 +
520	Additional filing fee for the 36th and each subsequent page - entry into EP phase	15,00 +
552	Add. fee for divisional 2nd generation	210,00 +
553	Add. fee for divisional 3rd generation	425,00 +
554	Add. fee for divisional 4th generation	635,00 +
555	Add. fee for divisional 5th or subsequent generation	850,00 +

Calendar 2017

JANUARY

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FEBRUARY

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MARCH

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SEPTEMBER

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OCTOBER

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Calendar 2018

JANUARY

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FEBRUARY

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MARCH

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APRIL

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JUNE

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JULY

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AUGUST

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OCTOBER

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NOVEMBER

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DECEMBER

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Calendar 2019

JANUARY

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FEBRUARY

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MARCH

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APRIL

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MAY

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JUNE

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JULY

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AUGUST

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SEPTEMBER

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OCTOBER

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NOVEMBER

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DECEMBER

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Official Holidays 2017

1 / 2 pages

OCNL

Monday	17 April 2017	Easter Monday
Thursday	27 April 2017	King's Day
Friday	5 May 2017	Liberation Day/ Ascension Day
Thursday	25 May 2017	Ascension Day
Monday	5 June 2017	Whit Monday
Monday	25 December 2017	Christmas
Tuesday	26 December 2017	Christmas

WIPO

Monday	2 January 2017	
Friday	14 April 2017	Good Friday
Monday	17 April 2017	Easter Monday
Thursday	25 May 2017	Ascension Day
Monday	5 June 2017	Whit Monday
Thursday	7 September 2017	Jeune Genevois
Monday	25 December 2017	Christmas Day
Friday	29 December 2017	Bridging Days

EPO

EPO Munich

Friday	6 January 2017	Epiphany
Friday	14 April 2017	Good Friday
Monday	17 April 2017	Easter Monday
Monday	1 May 2017	Labour Day
Thursday	25 May 2017	Ascension Day
Monday	5 June 2017	Whit Monday
Thursday	15 June 2017	Corpus Christi
Tuesday	15 August 2017	Assumption Day
Tuesday	3 October 2017	Day of German Unity
Wednesday	1 November 2017	All Saints' Day
Monday	25 December 2017	Christmas Day
Tuesday	26 December 2017	Boxing Day
Wednesday	27 December 2017	Bridging Days
Thursday	28 December 2017	Bridging Days
Friday	29 December 2017	Bridging Days

The Hague

Friday	14 April 2017	Good Friday
Monday	17 April 2017	Easter Monday
Thursday	27 April 2017	National Holiday
Monday	1 May 2017	Labour Day
Friday	5 May 2017	Liberation Day
Thursday	25 May 2017	Ascension Day
Monday	5 June 2017	Whit Monday

Official Holidays 2017

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Monday	25 December 2017	Christmas Day
Tuesday	26 December 2017	Boxing Day
Wednesday	27 December 2017	Bridging Days
Thursday	28 December 2017	Bridging Days
Friday	29 December 2017	Bridging Days

Berlin

Friday	14 April 2017	Good Friday
Monday	17 April 2017	Easter Monday
Monday	1 May 2017	Labour Day
Thursday	25 May 2017	Ascension Day
Monday	5 June 2017	Whit Monday
Tuesday	3 October 2017	Day of German Unity
Monday	25 December 2017	Christmas Day
Tuesday	26 December 2017	Boxing Day
Wednesday	27 December 2017	Bridging Days
Thursday	28 December 2017	Bridging Days
Friday	29 December 2017	Bridging Days

Vienna

Friday	6 January 2017	Epiphany
Monday	17 April 2017	Easter Monday
Monday	1 May 2017	Labour Day
Thursday	25 May 2017	Ascension Day
Monday	5 June 2017	Whit Monday
Thursday	15 June 2017	Corpus Christi
Tuesday	15 August 2017	Assumption Day
Thursday	26 October 2017	National Holiday
Wednesday	1 November 2017	All Saints' Day
Wednesday	8 December 2017	Immaculate Conception
Monday	25 December 2017	Christmas Day
Tuesday	26 December 2017	Boxing Day
Wednesday	27 December 2017	Bridging Days
Thursday	28 December 2017	Bridging Days
Friday	29 December 2017	Bridging Days

Official Holidays 2018

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BOIP - Benelux Office for Intellectual Property

Monday	1 January 2018	New Years's Day
Monday	2 April 2018	Easter Monday
Thursday	10 May 2018	Ascension Day
Friday	11 May 2018	Closing Day
Monday	21 May 2018	Whit Monday
Monday	24 December 2018	Closing Day
Tuesday	25 December 2018	Christmas
Wednesday	26 December 2018	Boxing Day
Monday	31 December	Closing Day

Days in 2018 on which the Office is deemed to be closed in connection with determining compliance with terms and deadlines.

Tuesday	2 January 2018	
Friday	27 April 2018	King's Day the Netherlands
Tuesday	1 May 2018	Labour Day
Wednesday	15 August 2018	Assumption Day
Thursday	1 November 2018	All Saints
Friday	2 November 2018	All Souls Day
Thursday	15 November 2018	King's Day Belgium

WIPO

Monday	1 January 2018	New Year
Friday	30 March 2018	Good Friday
Monday	2 April 2018	Easter Monday
Thursday	10 May 2018	Ascension Day
Monday	21 May 2018	Whit Monday
Thursday	6 September 2018	Jeune Genevois
Tuesday	25 December 2018	Christmas Day
Monday	31 December 2018	New Year

OCNL

Monday	2 April 2018	Easter Monday
Friday	27 April 2018	King's Day
Thursday	10 May 2018	Ascension Day
Monday	21 May 2018	Whit Monday
Tuesday	25 December 2018	Christmas
Wednesday	26 December 2018	Christmas

Official Holidays 2018 EPO 2 / 3 pages

EPO

EPO Munich

Monday	1 January 2018	New Year's Day
Friday	30 March 2018	Good Friday
Monday	2 April 2018	Easter Monday
Tuesday	1 May 2018	Labour Day
Thursday	10 May 2018	Ascension Day
Monday	21 May 2018	Whit Monday
Wednesday	3 October 2018	Day of German Unity
Thursday	1 November 2018	All Saint's Day
Monday	24 December 2018	Christmas Eve
Tuesday	25 December 2018	Christmay Day
Wednesday	26 December 2018	Boxing Day
Thursday	27 December 2018	Bridging Day
Friday	28 December 2018	Bridging Day
Monday	31 December 2018	New Year's Eve

The Hague

Monday	1 January 2018	New Year's Day
Friday	30 March 2018	Good Friday
Monday	2 April 2018	Easter Monday
Friday	27 April 2018	National Holiday
Tuesday	1 May 2018	Labour Day
Thursday	10 May 2018	Ascension Day
Monday	21 May 2018	Whit Monday
Thursday	1 November 2018	All Saint's Day
Monday	24 December 2018	Christmas Eve
Tuesday	25 December 2018	Christmay Day
Wednesday	26 December 2018	Boxing Day
Thursday	27 December 2018	Bridging Day
Friday	28 December 2018	Bridging Day
Monday	31 December 2018	New Year's Eve

Berlin

Monday	1 January 2018	New Year's Day
Friday	30 March 2018	Good Friday
Monday	2 April 2018	Easter Monday
Tuesday	1 May 2018	Labour Day
Thursday	10 May 2018	Ascension Day
Monday	21 May 2018	Whit Monday
Wednesday	3 October 2018	Day of German Unity
Thursday	1 November 2018	All Saint's Day
Monday	24 December 2018	Christmas Eve
Tuesday	25 December 2018	Christmay Day
Wednesday	26 December 2018	Boxing Day
Thursday	27 December 2018	Bridging Day
Friday	28 December 2018	Bridging Day
Monday	31 December 2018	New Year's Eve

Official Holidays 2018 EPO 3 / 3 pages

Vienna

Monday	1 January 2018	New Year's Day
Friday	30 March 2018	Good Friday
Monday	2 April 2018	Easter Monday
Tuesday	1 May 2018	Labour Day
Thursday	10 May 2018	Ascension Day
Monday	21 May 2018	Whit Monday
Friday	26 October 2018	National Holiday
Thursday	1 November 2018	All Saint's Day
Monday	24 December 2018	Christmas Eve
Tuesday	25 December 2018	Christmay Day
Wednesday	26 December 2018	Boxing Day
Thursday	27 December 2018	Bridging Day
Friday	28 December 2018	Bridging Day
Monday	31 December 2018	New Year's Eve

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SUMMARY

CN STATE INTELLECTUAL PROPERTY OFFICE CN
OF THE PEOPLE'S REPUBLIC OF CHINA

Summary of requirements for entry into the national phase

Time limits applicable for entry into the national phase: ²	Under PCT Article 22(1): 30 months from the priority date ¹ Under PCT Article 39(1)(a): 30 months from the priority date ¹
Translation of international application required into: ^{2,3}	Chinese
Required contents of the translation for entry into the national phase: ^{2,3}	Under PCT Article 22: Request, description, claims (if amended, both as originally filed and as amended, if the applicant wishes the amendments to form the basis for the proceedings, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Request, description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report, if the applicant wishes the amendments to form the basis for the proceedings)
Is a copy of the international application required? ^{2,3}	The applicant should only send a copy of the international application if the State Intellectual Property Office of the People's Republic of China has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2). In the HKSAR, the applicant should send a copy of the international application as published by the International Bureau and a copy of the international application as published by the State Intellectual Property Office of the People's Republic of China if the international application was not published in Chinese in the international phase.

[Continued on next page]

¹ The time limit may be extended by two months, provided the applicant pays the prescribed fee (PCT Article 48 and Implementing Regulations of Chinese Patent Law, Rule 103).

² The People's Republic of China established the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR) on 1 July 1997. The HKSAR operates an independent Patents Registry and all matters relating to the grant, administration or litigation in relation to patents are decided in the HKSAR according to the HKSAR's Patents Ordinance (Cap. 514). Patents granted by the State Intellectual Property Office of the People's Republic of China are not automatically protected in the HKSAR but the grant of a patent by the State Intellectual Property Office of the People's Republic of China can form the basis for patents in the HKSAR. In order to obtain patents via the PCT, the applicant must designate China. See paragraphs CN.17 to CN.19 of the chapter concerning the State Intellectual Property Office of the People's Republic of China, in National Phase of the *PCT Applicant's Guide*, for details of the national phase before the Intellectual Property Department (IPD) of the HKSAR.

³ Must be furnished within the time limit applicable under PCT Article 22 or 39(1).

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CN STATE INTELLECTUAL PROPERTY OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA CN
*[Continued]*National fee:⁴

Currency: Yuan renminbi (CNY)

For a patent:

Filing fee: ⁵	CNY	900
Additional filing fee: ⁵		
— for each sheet of the description in excess of 30 sheets	CNY	50
— for each sheet of the description in excess of 300 sheets	CNY	100
— for each claim in excess of 10 ⁶	CNY	150
Application publication fee:	CNY	50
Fee for priority claims, per priority: ⁵	CNY	80
Examination fee: ⁷	CNY	2,500

For a utility model:

Filing fee: ⁵	CNY	500
Additional filing fee: ⁵		
— for each sheet of the description in excess of 30 sheets	CNY	50
— for each sheet of the description in excess of 300 sheets	CNY	100
— for each claim in excess of 10 ⁶	CNY	150
Fee for priority claims, per priority: ⁵	CNY	80

Exemptions, reductions or refunds of the national fee:⁴

No filing fee or additional filing fee is payable if the international application has been filed with the State Intellectual Property Office of the People's Republic of China as receiving Office.

The examination fee is reduced by 20% where the international search report has been issued by the Japan Patent Office, the Swedish Patent and Registration Office or the European Patent Office.

No examination fee is payable if the international search report and the international preliminary report on patentability have been issued by the State Intellectual Property Office of the People's Republic of China.

[Continued on next page]

⁴ See footnote 2.

⁵ This fee is due within the time limit applicable under PCT Article 22 or 39(1).

⁶ The additional filing fee for entry into the national phase is calculated on the basis of the number of claims in the international application as originally filed, and not as subsequently reduced, if applicable.

⁷ This fee is due within three years from the priority date.

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CN STATE INTELLECTUAL PROPERTY OFFICE CN
OF THE PEOPLE'S REPUBLIC OF CHINA

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Special requirements of the Office (PCT Rule 51bis): ^{8,9}	Name of the inventor if it has not been furnished in the "Request" part of the international application ¹⁰ Instrument of assignment of the priority right where the applicants are not identical ¹⁰ Instrument of assignment of the international application if the applicant has changed after the international filing date Appointment of an agent Evidence concerning exceptions to lack of novelty if the applicant claims such exceptions in respect of the international application Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form
Who can act as agent? ⁸	Any of the patent agencies legally incorporated in China. A list of patent agencies may be obtained from the Office.
Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)?	No

⁸ See footnote 2.

⁹ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

¹⁰ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

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EURASIAN PATENT OFFICE (EAPO)

EA

Summary of requirements for entry into the national phase

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: ¹	Russian
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	Currency: Russian rouble (RUB) Unitary procedural fee (for filing, search, publication and other processing): ² RUB 28,000 ³ Claim fee for each claim: – in excess of five: ¹ RUB 3,700 ³ – in excess of 20: ¹ RUB 4,000 ³ – in excess of 50: ¹ RUB 5,000 ³ Examination fee: – for one invention: RUB 30,000 ³ – for a group of inventions including one independent claim: RUB 30,000 ³ – additional fee for the second independent claim: RUB 20,000 ³ – additional fee for each independent claim in excess of two claims: RUB 10,000 ³
Exemptions, reductions or refunds of the national fee:	The unitary procedural fee is reduced by 25% where an international search report has been established

[Continued on next page]

¹ Must be furnished or paid within two months from the expiration of the time limit applicable under PCT Article 22 or 39(1) or within two months from the date on which the applicant files a special request for early entry into the national phase.

² Must be paid within the time limit applicable under PCT Article 22 or 39(1).

³ This fee is reduced by 90% where the applicant or, if there are two or more applicants, each applicant is a national of and a resident in any of the States party to the Eurasian Patent Convention, and by 50% where each applicant is a natural person and a national of and resident in a PCT Contracting State whose per capita national income is below USD 3,000 (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997), or where an applicant, whether a natural person or not, is a national of and resident in a State that is listed as being classified by the United Nations as a least developed country.

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EA

*[Continued]*Special requirements of the Office
(PCT Rule 51*bis*):⁴Name and address of the inventor if they have not been furnished in the "Request" part of the international application⁵

Appointment of an agent if the applicant has neither a residence nor his principal place of business within the territory of one of the States party to the Eurasian Patent Convention

Instrument of assignment of the priority right where the applicants are not identical⁵

Who can act as agent?

Any legal practitioner⁶ qualified to practice in patent matters in one of the States party to the Eurasian Patent Convention and inscribed in the register of patent attorneys kept in the Office.Does the Office accept requests for
restoration of the right of priority
(PCT Rule 49*ter*.2)?

Yes, the Office applies the "unintentional" criterion to such requests

⁴ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

⁵ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

⁶ The list of registered patent attorneys may be obtained on the Internet at: www.eapo.org/en/attorneys.php.

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EUROPEAN PATENT OFFICE (EPO)

EP

Summary of requirements for entry into the national phase

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into:	English, French or German
Required contents of the translation for entry into the national phase:	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, if the applicant wishes the amendments to form the basis for the proceedings, together with any statement under PCT Article 19 ¹), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary report on patentability (Chapter II) and claims amended under PCT Article 19, if the applicant wishes these amendments to form the basis for the proceedings, together with any statement under PCT Article 19 ¹), abstract
Is a copy of the international application required?	No
National fee:	Currency: Euro (EUR) Filing fee: ^{2, 3} – where the form for entry into the European phase (EPO Form 1200) is filed online: EUR 120 – where the form for entry into the European phase (EPO Form 1200) is not filed online: EUR 210 Additional fee for pages in excess of 35 for the 36 th and each subsequent page: EUR 15 Designation fee for one or more EPO Contracting States designated: ⁴ EUR 585 Extension fee for each extension State (extension of the European patent to Bosnia and Herzegovina or Montenegro): ⁴ EUR 102

[Continued on next page]

¹ Where the applicant furnishes only one translation of the international application, or any part of it, either as originally filed or as amended, the Office will invite the applicant to furnish the missing translation within a reasonable time limit. If the translation of the amended part or of the international application as initially filed is missing and is not furnished, the international application will be considered withdrawn.

² Must be paid within 31 months from the priority date. For claims fees see also paragraph EP.08 of National Chapter EP.

³ See information for users on the availability of DOCX filing and changes to the filing fee, fee for grant and transmittal fee, OJ EPO 2018, A28

⁴ The designation, extension and validation fees are payable within 31 months from the priority date.

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[Continued]

National fee (<i>cont'd</i>):	Fee for validation of the European patent in:	
	– Cambodia: ^{5, 6}	EUR 180
	– Morocco: ^{5, 7}	EUR 240
	– Republic of Moldova: ^{5, 8}	EUR 200
	– Tunisia: ^{5, 9}	EUR 180
	Claims fee: ¹⁰	
	– for the 16 th and each subsequent claim up to the limit of 50:	EUR 235
	– for the 51 st and each subsequent claim:	EUR 585
	Search fee: ¹⁰	
	– for (international) applications filed before 1 July 2005:	EUR 885
	– for (international) applications filed on or after 1 July 2005:	EUR 1,300
	Fee for further processing:	
	– in the event of late payment of a fee: 50% of the relevant fee	
	– other cases:	EUR 255
	Fee for late furnishing of a sequence listing:	EUR 230
	Examination fee: ¹¹	
	– for (international) applications filed before 1 July 2005:	EUR 1,825
	– for (international) applications filed on or after 1 July 2005 for which no supplementary European search report is drawn up:	EUR 1,825
	– for all other (international) applications filed on or after 1 July 2005:	EUR 1,635
	Renewal fee for the third year: ¹²	EUR 470
Exemptions, reductions or refunds of fees: ¹³	No search fee is payable	
	– where the international search report has been established by the EPO;	
	– where the international application has been filed before 1 July 2005 and the international search report has been established by the Austrian Patent Office, the Spanish Patent and Trademark Office or the Swedish Patent and Registration Office;	
	– where the international application has been filed between 1 April 2005 and 30 June 2005 and the international search report has been established by the Finnish Patent and Registration Office (PRH).	

*[Continued on next page]*⁵ See footnote 4.⁶ Validation of the European patent in Cambodia is only available for international applications filed on or after 1 March 2018. See OJ EPO 2/2018, A16.⁷ Validation of the European patent in Morocco is only available for international applications filed on or after 1 March 2015. See OJ EPO 2/2015, A18-A20.⁸ Validation of the European patent in the Republic of Moldova is only available for international applications filed on or after 1 November 2015. See OJ EPO 10/2015, A85.⁹ Validation of the European patent in Tunisia is only available for international applications filed on or after 1 December 2017. See OJ EPO 10/2017, A85.¹⁰ See footnote 2.¹¹ A request for examination must be made and the examination fee must be paid within the time limit applicable under PCT Article 22 or 39(1) and EPC Rule 159(1).¹² This fee is due before the expiration of the month containing the second anniversary (24 months) of the international filing date; it is due within 31 months from the priority date if that 31-month time limit expires later.¹³ See OJ EPO 3/2006, pages 189 and 192, 12/2007, page 692, 1/2008, page 12 and 2/2009, page 96 *et seq.*, 5/2010, page 338 *et seq.*, 12/2011, page 616 *et seq.* and OJ EPO 2017, A94.

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*[Continued]*Exemptions, reductions or refunds of fees (*cont'd*):¹⁴

The search fee is reduced

- by EUR 1,110¹⁵ for international applications for which the international search report or a supplementary international search report has been established by the Austrian Patent Office, or in accordance with the Protocol on Centralisation by the Finnish Patent and Registration Office (PRH), the Nordic Patent Institute, the Spanish Patent and Trademark Office, the Swedish Patent and Registration Office, the Turkish Patent and Trademark Office (Turkpatent) or the Visegrad Patent Institute.

The search fee is refunded fully or in part where the supplementary European search report is based on an earlier search report prepared by the Office.

The examination fee is reduced by 75% where the international preliminary report on patentability (Chapter II) has been established by the EPO.¹⁶

Furthermore, in certain cases the examination fee is reduced by 30% for language reasons.¹⁶

Special requirements of the Office (PCT Rule 51*bis*):¹⁷

Name and address of the inventor if they have not been furnished in the "Request" part of the international application or in a declaration in accordance with PCT Rule 4.17(i)

Address, nationality and residence of the applicant if they have not been furnished in the "Request" part of the international application

Appointment of an agent if the applicant has neither a residence nor his principal place of business within the territory of one of the Contracting States of the European Patent Convention

Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form

Who can act as agent?

Any professional representative entered on the relevant list maintained by the EPO (the directory of professional representatives can be consulted on the EPO website)¹⁸

Any legal practitioner qualified to practice in patent matters in one of the States party to the European Patent Convention and who has his place of business in that State

Does the Office accept requests for restoration of the right of priority (PCT Rule 49*ter*.2)?

Yes, the Office applies the "due care" criterion to such requests

¹⁴ See footnote 13 and OJ EPO 3/2013, page 153 *et seq.*

¹⁵ See the Decisions of the EPO's Administrative Council dated 16 December 2015 (CA/D 8/15) and 28 June 2017 (CA/D 9/17).

¹⁶ See also paragraph EP.14 of National Chapter EP, OJ EPO 2/2014, A23 and OJ EPO 2018, A4.

¹⁷ If not already complied with within the time limit applicable under PCT Article 22 or 39(1) (31 months from the priority date), the Office will invite the applicant to comply with the requirement within two months. In respect of nucleotide and/or amino acid sequence listings, see also OJ EPO 6/2011, page 372 and OJ EPO 11/2013, page 542.

¹⁸ See www.epo.org/applying/online-services/representatives.html

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D International Searching Authorities D

EP EUROPEAN PATENT OFFICE (EPO) EP

Search fee (PCT Rule 16): ¹	Euro (EUR) 1,775 Danish krone (DKK) 13,210 Hungarian forint (HUF) 550,400 Icelandic krona (ISK) 221,900 Japanese yen (JPY) 242,100 New Zealand dollar (NZD) 3,007 Norwegian krone (NOK) 16,990 Pound sterling (GBP) 1,552 Singapore dollar (SGD) 2,900 South African rand (ZAR) 26,320 Swedish krona (SEK) 17,390 Swiss franc (CHF) 2,059 US dollar (USD) 2,207
Additional search fee (PCT Rule 40.2): ²	Same amount as above in EUR
Conditions for refund and amount of refund of the search fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded.</p> <p>Where the international application is withdrawn or is considered withdrawn, under PCT Article 14(1), (3) or (4), before the start of the international search: refund of 100%</p> <p>Where the Authority benefits from an earlier search already made by the Authority on an application whose priority is claimed for the international application and depending upon the extent to which the Authority benefits from the earlier search in carrying out the international search and any other task entrusted to it, the search fee paid shall be refunded to the extent provided for in a communication from the Authority to the International Bureau and published in the <i>Official Notices (PCT Gazette)</i>.³</p> <p>Where the international search report drawn up by the Authority is based on an earlier search report prepared by the Authority on an application whose priority is claimed for the international application, the international search fee paid for the pending international application shall be refunded as follows:</p> <p>For a European search (EPC Article 92), an international search (PCT Article 15(1)), a supplementary international search (PCT Rule 45bis) or a search made on behalf of a national Office on a national application (BE⁴, CY, FR, GR, IT, LT, LU, LV⁵, MC⁵, MT, NL⁴, SM, TR):</p> <ul style="list-style-type: none"> – full benefit: refund of 100% – partial benefit: refund of 25% <p>For an international-type search (PCT Article 15(5)):</p> <ul style="list-style-type: none"> – full benefit: refund of 70% – partial benefit: refund of 17.5%

[Continued on next page]

¹ This fee is payable to the receiving Office concerned in the currency or one of the currencies accepted by it (see Annex C). The fee is reduced by 75% where the applicant or, if there are two or more applicants, each applicant is a natural person and is a national of and resides in a certain State as specified in the decision of the EPO's Administrative Council of 21 October 2008 (OJ EPO 11/2008, page 521). For a list of States to which this reduction applies, see www.epo.org/applying/forms-fees/international-fees/information.html.

² This fee is payable to the International Searching Authority and only in particular circumstances. Footnote 1 (except the first sentence) is also applicable.

³ See OJ EPO 2017, A95. The relevant notification by the Office will be published in the *Official Notices (PCT Gazette)* shortly.

⁴ Includes international-type searches covered by an agreement between the Authority and that Office.

⁵ Applies to search requests in respect of national applications filed as of 1 October 2016 for Latvia and as of 1 April 2017 for Monaco.

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Protest fee (PCT Rule 40.2(e)): ⁶	EUR 875
Late furnishing fee (PCT Rule 13 ^{ter} .1(c)):	EUR 230
Languages accepted for international search:	English, French, German and, where the international application is filed with the Netherlands Patent Office , Dutch
Does the Authority accept informal comments on earlier search results where an international application claims priority from an earlier application already searched by this Authority?	Yes, the applicant may submit informal comments to overcome objections raised in the search opinion established for the priority application. At the EPO this service is called “PCT Direct”. Informal comments should be sent to the receiving Office together with the international application in the form of a separate letter entitled “PCT Direct/informal comments”. If the claims and/or the description of the international application differ from those of the earlier application, applicants should preferably also submit a marked-up copy indicating the differences. PCT Direct submissions are published on PATENTSCOPE. This service is free of charge. ⁷
Does the Authority require that nucleotide and/or amino acid sequence listings be furnished in electronic form (PCT Rule 13 ^{ter} .1)?	Yes
Types of electronic carrier required:	CD-ROM (type: ISO/IEC 10149:1995, 120 mm CD-ROM; format: ISO 9660, 650 MB) CD-R (type: 120 mm CD-Recordable Disk; format: ISO 9660, 650 MB) DVD (type: ISO/IEC 16448:1999, 120 mm DVD—Read-Only Disk; format: 4.7 GB, conforming to either ISO 9660 or OSTA UDF (1.02 and higher)) DVD-R (type: Standard ECMA-279, 120 mm (3.95 GB per side)—DVD-Recordable; format: 3.95 GB, conforming to either ISO 9660 or OSTA UDF (1.02 and higher))
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter which is searched under the patent grant procedure in accordance with the provisions of the European Patent Convention

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⁶ The applicable procedure since 1 July 2010 is as set out in OJ EPO 5/2010, page 322.

⁷ For more details on the PCT Direct service and, in particular, on the form of submission and on the content of a PCT Direct request, see OJ EPO 2017, A21.

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Waiver of power of attorney:⁸

Has the Authority waived the requirement that a separate power of attorney be submitted?

Particular instances in which a separate power of attorney is required:

Yes⁹

Where procedural acts are performed by a purported agent who is not the agent of record, unless the purported agent belongs to the same office as the agent of record, or if both the purported agent and the agent of record are employees of the applicant or, if there is more than one applicant, of the common representative; or in case of doubt as to the agent's or the common representative's entitlement to act.

Has the Authority waived the requirement that a copy of a general power of attorney be submitted?

Particular instances in which a copy of a general power of attorney is required:

Yes⁹

Where procedural acts are performed by a purported agent who is not the agent of record, unless the purported agent belongs to the same office as the agent of record, or if both the purported agent and the agent of record are employees of the applicant or, if there is more than one applicant, of the common representative; or in case of doubt as to the agent's or the common representative's entitlement to act.

⁸ See OJ EPO 5/2010, page 335.

⁹ Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

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INDIAN PATENT OFFICE

IN

Summary of requirements for entry into the national phase

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date			
Translation of international application required into: ¹	English			
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)			
Is a copy of the international application required?	A copy is required only if the applicant has not received Form PCT/IB/308 and the Indian Patent Office has not received a copy of the international application from the International Bureau under PCT Article 20.			
National fee: ²	Currency:	Indian rupee (INR)		
		<i>Natural person(s) and/or startup</i>	<i>Small entity alone or with natural person(s) and/or startup</i>	<i>Others, alone or with natural person(s) and/or startup and/or small entity</i>
	Filing fee: ¹			
	– Up to 30 sheets and 10 claims:			
	– electronic filing:	1,600	4,000	8,000
	– paper filing:	1,750	4,400	8,800
	– For each additional priority, multiple of:			
	– electronic filing:	1,600	4,000	8,000
	– paper filing:	1,750	4,400	8,800
	– For each additional sheet in addition to 30:			
	– electronic filing:	160	400	800
	– paper filing:	180	440	880
	– For each claim in addition to 10:			
	– electronic filing:	320	800	1,600
	– paper filing:	350	880	1,750

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¹ Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1), or at the time of any earlier express request by the applicant to proceed earlier with the national phase.

² The Office's fee schedule is available at: www.ipindia.nic.in/writereaddata/portal/ipoforumupload/1_11_1/fees.pdf

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Exemptions, reductions or refunds of the national fees:

See Summary above and Annex IN.I

Special requirements of the Office (PCT Rule 51*bis*):³Name, address and nationality of the inventor if they have not been furnished in the "Request" part of the international application⁴Instrument of assignment or transfer where the applicant is not the inventor⁴

Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau (Form PCT/IB/306)

Declaration of inventorship by the applicant⁴

Address for service in India (but no representation by an agent is required)

Power of attorney if an agent is appointed

Verification of translation

International application or translation to be furnished in two copies

Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form

Who can act as agent?

Any patent agent registered to practice before the Office

Does the Office accept requests for restoration of the right of priority (PCT Rule 49*ter.2*)?

No

³ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

⁴ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

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JP

JAPAN PATENT OFFICE

JP

Summary of requirements for entry into the national phase

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: ¹	Japanese ²
Required contents of the translation for entry into the national phase:	Under PCT Article 22: Description, claims (if amended, as originally filed or as amended, or both as originally filed and as amended, at applicant's option ³), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee: ⁴	Currency: Japanese yen (JPY) For patent: Filing fee: JPY 14,000 For utility model: Filing fee: JPY 14,000
Exemptions, reductions or refunds of the national fees:	The fee for request for examination is reduced where an international search report has been established. Moreover, reductions are available to individuals, small and medium-sized enterprises, micro enterprises, academic institutions and certain other entities (see Annex JP.I)

[Continued on next page]

¹ The time limit for submission of the Japanese translation of the international application is 30 months from the priority date (under PCT Article 22(1) or 39(1)(a)). This time limit may be extended under certain circumstances (see paragraph JP.03).

² Where the international application was filed in Japanese, a copy of any amendments under PCT Articles 19 and 34 may be required, if the communication under Article 20 has not taken place within the time limit applicable under Article 22(1) or 39(1)(a) or if an express request for early processing was filed under Article 23(2).

³ Where no translation of amendments is filed, the amendments are considered not to have been made. However, amendments may be made as specified in paragraph JP.13 of the JP national chapter.

⁴ If not already paid within the applicable time limit under PCT Article 22(1) or 39(1)(a), the Office will invite the applicant to pay the national fee within a time limit fixed in the invitation. Where the translation of the international application is submitted in paper form, a special fee for conversion into electronic format is required.

(1 April 2016)

PCT applicants guide JP

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Page 4

PCT Applicant's Guide – National Phase – National Chapter – JP

SUMMARY

Designated
(or elected) Office

SUMMARY

JP

JAPAN PATENT OFFICE

JP

[Continued]

Special requirements of the Office
(PCT Rule 51bis):

When the applicant is a legal entity, indication of the name of an officer representing that entity⁵ (the indication of such a name is not required where the legal entity is represented by a patent attorney)

Appointment of an agent if the applicant is not resident in Japan⁶

Where the person, the name or the residence of the applicant is changed during the international phase and the change has not been reflected in the international publication or in a Notification of the Recording of a Change (Form PCT/IB/306), a statement indicating the change (preferably on a special request form) and, in case of a change in the person of the applicant, a document evidencing the change⁷

Where a change (addition and/or deletion) in the person of the inventor during the international phase has not been reflected in the international publication or in a Notification of the Recording of a Change (Form PCT/IB/306), the correct indications relating to the inventor (preferably on a special transmittal form (Form 53)), a statement explaining the reasons for the change and a written oath of all inventors⁷

Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form

Who can act as agent?

Any patent attorney, attorney-at-law or other person resident in Japan, or firm registered to practice before the Office

Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)?

Yes, the Office applies the “due care” criterion to such requests⁸

⁵ If not already complied with, no later than the date on which the relevant time for national processing occurs (see paragraph JP.02 of the JP national chapter), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

⁶ Must be appointed within two months from the date of mailing of the invitation from the Office (see paragraph JP.08).

⁷ Must be furnished no later than the date on which the relevant time for national processing occurs (see paragraph JP.02 of the JP national chapter); if not furnished, the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

⁸ For international applications filed on or after 1 April 2015. For the relevant notification by the Office, see *Official Notices (PCT Gazette)* dated 12 March 2015, page 51.

(1 April 2016)

PCT applicants guide US

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PCT Applicant's Guide – National Phase – National Chapter – US

Page 3

SUMMARY

Designated
(or elected) Office

SUMMARY

US

UNITED STATES PATENT AND
TRADEMARK OFFICE (USPTO)

US

Summary of requirements for entry into the national phase

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: ¹	English
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Request, description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter in the drawings, abstract ² Under PCT Article 39(1): Request, description, claims, any text matter in the drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary report on patentability (Chapter II)) ²
Is a copy of the international application required? ³	The applicant is only required to send a copy of the international application if the national application is filed prior to the publication of the international application. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2). No copy is required if the international application was filed with the USPTO as receiving Office. A copy of amendments of the claims filed under PCT Article 19 with the International Bureau is required under the conditions indicated in the previous paragraph.

[Continued on next page]

¹ Must be furnished within the time limit applicable under PCT Article 22 or 39(1). The requirement may still be complied with in response to a notice sent to the applicant, provided that a processing fee is paid for furnishing the translation later.

² If the translation of the amendments is not furnished, the amendments are considered to be cancelled (37 CFR 1.495(d) and (e)).

³ Must be furnished within the time limit applicable under PCT Article 22 or 39(1).

(16 January 2018)

PCT applicants guide US

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Page 4

PCT Applicant's Guide – National Phase – National Chapter – US

SUMMARY

US

Designated
(or elected) OfficeUNITED STATES PATENT AND
TRADEMARK OFFICE (USPTO)

SUMMARY

US

[Continued]

National fee: ⁴		Currency: US dollar (USD)		Small entity ⁵	Micro entity ⁶
Basic national fee: ⁷		USD	300	(150)	(75)
Search fee: ⁸					
– IPRP (Chapter II) prepared by the IPEA/US or the written opinion was prepared by the ISA/US, all claims presented satisfied provisions of PCT Article 33(1) to (4):		USD	0	(0)	(0)
– International search fee paid to the USPTO as ISA:		USD	140	(70)	(35)
– Search report has been prepared by an ISA other than the US and is provided or has been previously communicated by the IB to the USPTO:		USD	520	(260)	(130)
– All other situations:		USD	660	(330)	(165)
Examination fee: ⁸					
– IPRP (Chapter II) prepared by the IPEA/US or the written opinion was prepared by the ISA/US, all claims presented satisfied provisions of PCT Article 33(1) to (4):		USD	0	(0)	(0)
– All other situations:		USD	760	(380)	(190)
For every 50 sheets or fraction thereof of the specification and drawings that exceeds 100 sheets (excluding any sequence listing or computer program listing filed in an electronic medium): ⁸		USD	400	(200)	(100)
Additional fee for each claim in independent form in excess of three: ⁸		USD	460	(230)	(115)
Additional fee for each claim, independent or dependent, in excess of 20: ⁸		USD	100	(50)	(25)
In addition, if the application contains one or more multiple dependent claims, per application: ⁸		USD	820	(410)	(205)
Surcharge for paying any of the search fee, the examination fee, or filing the oath or declaration after the date of commencement of the national stage: ⁸		USD	140	(70)	(35)
Processing fee for filing English-language translation after the expiration of the time limit applicable under PCT Article 22 or 39(1): ⁸		USD	140	(70)	(35)

[Continued on next page]

⁴ The amounts of these fees change periodically. The United States Patent and Trademark Office or the current USPTO Fee Schedule at: www.uspto.gov/about/offices/cfo/finance/fees.jsp should be consulted for the applicable amounts.

⁵ The amount in parentheses is applicable in case of filing by a "small entity" (see paragraphs US. 19-21).

⁶ The amount in parentheses is applicable in case of filing by a "micro entity" (see paragraphs US. 19-21).

⁷ Must be paid within the time limit applicable under PCT Article 22 or 39(1).

⁸ If not paid with the basic national fee, the USPTO will invite the applicant to pay the fee within a time period fixed in the invitation.

(16 January 2018)

PCT applicants guide US

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PCT Applicant's Guide – National Phase – National Chapter – US

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SUMMARY

Designated
(or elected) Office

SUMMARY

US

UNITED STATES PATENT AND
TRADEMARK OFFICE (USPTO)

US

[Continued]

National fee (<i>cont'd</i>): ⁹		Small entity ¹⁰	Micro entity ¹¹
Mega-Sequence Listing filing fee:			
— submission of sequence listing of 300 MB to 800 MB	USD 1,000	(500)	(250)
— submission of sequence listing of more than 800 MB	USD 10,000	(5,000)	(2,500)
Exemptions, reductions or refunds of the national fee:	Reductions of the national fees are indicated under the national fees listed above.		
Special requirements of the Office (PCT Rule 51 <i>bis</i>):	Oath or declaration of the inventor ¹² Information disclosure statement is recommended. ¹³ Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form		
Who can act as agent?	Patent attorneys and patent agents registered to practice before the Office. A list of registered patent attorneys and agents may be obtained on the Internet at https://oedci.uspto.gov/OEDCI/ .		
Does the Office accept requests for restoration of the right of priority (PCT Rule 49 <i>ter.2</i>)?	Yes, the Office applies the “unintentional” criterion to such requests		

⁹ See footnote 4.¹⁰ See footnote 5.¹¹ See footnote 6.¹² See paragraphs US 23-26.¹³ Should be filed within three months from performing the acts for entering the national phase (see 37 CFR 1.491).

(16 January 2018)

Examination 2018 (26 pages)

Examination - 1

Question 1

In a rush to file a Dutch patent application in time, you forgot to pay the fees due.

Which of these following statements is correct?

- a. Reinstatement is not possible, since payment must be effected at the same time as filing the application.
- b. The date on which the Netherlands Patent Office receives the payment will become the filing date.
- c. The date on which you effect the payment will become the filing date.
- d. The Netherlands Patent Office will send an invitation to restore the deficiency within a fixed term.

Examination - 2

Question 2

On 25 August 2014, an International patent application was filed that claimed the priority of the Dutch application, NL1002789 dated 4 September 2013.

This international patent application entered the regional phase before the European patent office on 2 February 2016.

You have received a decision from the European Patent Office that the European patent will be granted tomorrow, 1 June 2018.

Your client instructed you to validate the European patent in the Netherlands.

What will be the deadline for the first annuity to be paid to the Netherlands Patent Office?

- a. 1 October 2018
- b. 31 August 2018
- c. 28 February 2019
- d. 2 July 2018

Examination - 3

Question 3

In the legalization procedure in the Netherlands, which authority provides official documents, such as assignment deeds or powers of attorney, with an Apostille?

- a. The Foreign Ministry (*“Ministerie van Buitenlandse Zaken”*)
- b. The Ministry of Justice (*“Ministerie van Justitie”*)
- c. A notary public
- d. A Court of Justice (*“ Arrondissementsrechtbank*)

Examination - 4

Question 4

Today, on the last day of the 3 months period, you need to validate a European patent in the Netherlands. The European patent was granted in the French language.

A complete English translation of the French description and claims as granted is available. The translator informs you that the remaining time is too short to prepare a Dutch translation of the French description and claims.

However, he could manage to prepare a Dutch translation of the claims.

How should you proceed, to validate the European patent in the Netherlands today?

- a. You don't need to take any action; in this case, there are no requirements to the validation.
- b. File the English translation of the description and claims and file a request for an extension of time to file the Dutch translation of the complete description and claims.
- c. File the English translation of the description and the Dutch translation of the claims.
- d. File the Dutch translation of the claims.

Examination - 5

Question 5

You have filed an International patent application on 25 November 2016 claiming priority of the European patent application EP15129871.6 filed 27 November 2015.

Today, you receive an order to enter the national phase in China and India and to enter the regional phase in Europe and EurAsia.

Which of the following statements is correct?

- a. You can still enter the national and regional phase in all countries and regions even without paying an additional fee for late entry.
- b. You can still enter the national phase in China and India and regional phase in Europe and EurAsia. China is only possible upon payment of an additional fee for late entry.
- c. You can still enter the national phase in all countries, by withdrawing the priority claim and entering the national phase within 30 months from the international filing date.
- d. You are too late for entering the national or regional phase for all countries and regions.

Examination - 6

Question 6

Which of the following conditions is NOT required to obtain a filing date for an International patent application?

- a. Payment of required fees.
- b. The name of the applicant.
- c. A part that appears to be a description.
- d. A part that appears to be a claim(s).

Examination - 7

Question 7

On 1 December 2017 you filed an International patent application claiming priority of a European patent application filed 25 January 2017.

On 5 April 2018 you received the International Search Report.

The date of transmittal of the International Search Report is 4 April 2018.

What was/is the applicable time limit for filing amendments under Article 19 PCT?

- a. 25 May 2018
- b. 1 June 2018
- c. 4 June 2018
- d. 5 June 2018

Examination - 8

Question 8

"Hasta la Vista B.V." manufactures products in the Netherlands for export to South America.

On 30 June 2017, "Hasta la Vista B.V." filed a Dutch patent application at the Netherlands Patent Office.

Today, "Hasta la Vista B.V." wants to file a patent application, claiming priority of the earlier filed Dutch patent application

- in Argentina or
- by an International patent application designating Argentina.

Which of the following statement(s) is/are correct?

- I. Argentina is not possible because Argentina is not a member of the Paris Convention, an International patent application designating Argentina is possible because Argentina is a member of the Patent Cooperation Treaty.
 - II. Argentina is possible because Argentina is a member of the Paris Convention, an International patent application designating Argentina is not possible because Argentina is not a member of the Patent Cooperation Treaty.
-
- a. Statements I and II are both correct.
 - b. Only statement I is correct.
 - c. Only statement II is correct.
 - d. Both statements are wrong.

Examination - 9

Question 9

A Dutch firm has prepared a draft patent application in the Dutch language.

Provided all other requirements are met and all applicable fees will be paid in time, which of the following statement(s) is/are correct?

- I. A patent application can be filed in the Dutch language at the Netherlands Patent Office. The Netherlands Patent Office will establish a search report.
 - II. An International application can be filed in the Dutch language at the Netherlands Patent Office in its capacity as receiving Office. The European Patent Office will establish a search report in its capacity as International Search Authority even if no English translation is provided.
-
- a. Only statement I is correct.
 - b. Only statement II is correct.
 - c. Both statements are wrong.
 - d. Statement I and II are both correct.

Examination - 10

Question 10

You have been instructed by your client to file a Benelux design application as well as a Dutch patent application on the same day.

By means of filing the design application the client wishes to protect the appearance of the product.
By means of filing the patent application the client wishes to protect the technical invention.

The design application and patent application relate to the same product.
After a few months the search by the Netherlands Patent Office, concerning the Dutch patent application, reveals that the invention is already described in another patent application.

For a Benelux design and a Dutch patent to be registrable, the patent and design need to be, amongst other conditions, new.

Which statement regarding novelty is correct?

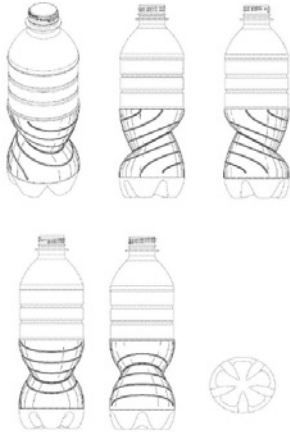
- a. Because the technical invention is already described in another patent application, the design and the patent application will both not be accepted by the respective Offices and both applications will not mature into registration / grant.
- b. Only the Benelux design application will be registered.
- c. Both applications will be registered / granted even when the appearance / technical invention is already known.
- d. Only the Dutch patent application will be granted.

Examination - 11

Question 11

Which of the following signs can be registered as a trademark before the European Union Intellectual Property Office?

I. The three-dimensional shape of a bottle:



II. The color combination:



III. The device:



IV. The sound of a crowing rooster

- All signs can be registered as a trademark
- Only sign II, III and IV can be registered as a trademark
- Only sign II and III can be registered as a trademark
- Only sign I, II and III can be registered as a trademark

Examination - 12

Question 12

A domain name registration in the Netherlands (.nl) needs to be renewed:

- a. Every 6 Months.
- b. Every Year.
- c. Every 5 years.
- d. Every 10 years.

Examination - 13

Question 13

The European Union Intellectual Property Office (EUIPO) offers their trademark applicants the opportunity for their applications to be examined and published faster, when compliant with the Fast Track procedure. The more complex the application, the more time it takes EUIPO to examine it.

Therefore, applications received by the EUIPO, that comply with certain conditions, will be treated more swiftly and the first step in the registration process, the publication of the application, will be reached faster.

Which of the following statement(s) regarding the Fast Track procedure is/are correct?

- I. When the language of the filed application is not in one of EUIPO's five official languages (English, French, German, Italian and Spanish) the applicant gets the opportunity to choose a translation in a second language selected from one of the EUIPO accepted languages.
 - II. Upon complying with all conditions of the Fast Track procedure at the time of filing your EU trademark application can no longer lose the "Fast Track" status.
-
- a. Statement I and II are both correct.
 - b. Only statement I is correct.
 - c. Only statement II is correct.
 - d. Both statements are wrong.

Examination - 14

Question 14

Which of the following statements is/are correct regarding the filing of third party observations?

- I. The person that filed third party observations shall be a party of the proceedings before the European Patent Office, the applicant is obliged to respond to third party observations.
 - II. Third party observations can be filed anonymously; third party observations shall be filed in writing and must include a statement of the grounds on which they are based.
-
- a. Statement I is correct.
 - b. Statement II is correct.
 - c. Both statement I and II are correct.
 - d. Both statements are wrong.

Examination - 15

Question 15

You have filed a Notice of Opposition against a granted European Patent.

Which of the following deficiencies can be remedied after the period for filing a Notice of Opposition has expired?

- a. Signature by the opponent/representative is missing; payment of the Opposition fee was not made; The indication of facts and evidence in support of the grounds is missing.
- b. The Notice of Opposition contains no statement of the grounds on which the opposition is based; the opponent has not indicated the address of his residence nor the address of place of business; signature by the opponent/representative is missing.
- c. Opposed patent was not sufficiently identified; the Notice of Opposition does not contain the nationality of the opponent; the title of the opposed patent has not been indicated.
- d. The Notice does not contain the name of the opponent; signature by the opponent/representative is missing; the Notice does not contain the number of the European patent which is opposed.

Examination - 16

Question 16

You received a communication Article 94(3) EPC from the European Patent Office on 18 December 2017.

This communication is dated 15 December 2017 and sets a time limit to respond of 4 months.

What is/was the last possible day to reply to this communication without using extension and further processing?

- a. 16 April 2018
- b. 25 April 2018
- c. 27 April 2018
- d. 30 April 2018

Examination - 17

Question 17

You have filed a European patent application on 15 August 2017 claiming priority of a Spanish and Swedish Patent application, both filed on 15 August 2016.

On 16 December 2017, your client calls you and is very upset. She just found out that due to an error in her administration another priority patent application should have been claimed.

The priority that should have also been claimed when filing the European patent application is a Slovak Patent application filed on 17 August 2016.

Is it possible to add the omitted priority claim to this European patent application?

- a. Yes, the European patent application was filed within 12 months from the Slovak patent application and therefore it is possible to add a priority claim from this Slovak patent application.
- b. No, priority should be claimed within 12 months from the filing date of the priority application, it is therefore not possible to add this priority claim.
- c. No, a declaration of priority may be added within 16 months from the earliest priority date claimed, i.e. until 15 December 2017 and therefore it is unfortunately not possible to add the Slovak priority to this European Patent application.
- d. Yes, a declaration of priority may be added within 16 months from the priority date claimed. Therefore, it is possible to request addition of the Slovak priority Patent application till 17 December 2017.

Examination - 18

Question 18

Your client has unsuccessfully opposed a granted European patent of one of her competitors.

Your client wants to appeal the interlocutory decision of the opposition division to reject the opposition dated 25 April 2018.

Which of the following statements is correct?

- a. Notice of appeal against the decision to reject the opposition must be filed no later than 25 June 2018.
- b. A statement setting out the grounds of appeal must be filed together with the notice of appeal.
- c. If the grounds of appeal are not filed in due time the appeal will be rejected as inadmissible.
- d. If the notice of appeal does not state the address of the appellant and this is noted by the Board of Appeal, the appeal will be rejected as inadmissible without possibility for correction.

Examination - 19

Question 19

The period for filing a written Request for examination and payment of the prescribed fee, for a European patent application, is missed.

The applicant of this patent application subsequently received a Notification of loss of rights under R. 112(1).

The applicant requests further processing and at the same time files the Request for examination in English and pays the prescribed fees.

How much is the total fee that should be paid for validly requesting examination?

- a. € 1635
- b. € 1890
- c. € 2145
- d. € 2707,50

Examination - 20

Question 20

Applicant X filed European patent application EP-X on 24 August 2015 as a first filing.

The applicant intends to file application EP-Y as a divisional application of EP-X on 26 September 2018.

Which of the following statements is/are correct?

- I. The renewal fee for the fourth year for EP-X is due on 31 August 2018; the renewal fee for the third and fourth year for EP-Y is due on 26 September 2018.
 - II. The renewal fee for the fourth year for EP-X can be validly paid on 28 February 2019 together with the necessary additional fee; the renewal fee for the third and fourth year for EP-Y can be validly paid without additional fee until 31 January 2019.
-
- a. Only statement I is correct.
 - b. Only statement II is correct.
 - c. Statement I and II are both correct.
 - d. Both statements are wrong.

Examination - 21

CASE 1

Low Hanging Fruit Holding N.V. ("Fruit") is a Dutch company based in Tiel, the Netherlands with an Italian subsidiary Frutti di Mare S.r.L. ("Frutti"), based in Venice.

Early 2016 Frutti has established its own R&D department.

A first patent application had been prepared in Italian language on an invention of two employees of Frutti in May 2016.

Due to circumstances the patent application needed to be filed by 30 May 2016 in the name of Frutti.

- a. At the time it was considered to file an International patent application. Could the Netherlands Patent Office have been chosen to act as a competent receiving Office in 2016? Motivate your answer.

Ultimately it was decided to file the prepared patent application as an Italian national patent application ("IT-NA") at the 'Ufficio Italiano Brevetti e Marchi', the Italian Patent and Trademark Office, in the name of Frutti.

Exactly six months after filing of IT-NA a subsequent International patent application (NL-IA) in the name of Fruit, was filed at Netherlands Patent Office, claiming priority of IT-NA.

- b. Was it necessary to assign IT-NA to Fruit, before NL-IA was filed? Motivate your answer.
- c. When should a translation be filed in a language, accepted by the Netherlands Patent Office as filing language, at the latest? Motivate your answer.

Within the applicable time limit a French translation was filed for NL-IA.

Your firm appointed a registered Dutch patent attorney as agent.

- d. Was this appointment accepted by the European Patent Office in its capacity as International Searching Authority? Motivate your answer.

Twelve months after the filing date of NL-IA Fruit filed a request to withdraw the priority claim of IT-NA.

- e. At which office(s) should the request for withdrawal has/have been filed? Motivate your answer.

The applicant considers to enter the regional phase in Europe at the EPO, and the national phase in the USA at the USPTO, in China at the SIPO, and in Japan at the JPO.

- f. What is the latest date to file, without payment of an additional fee for late entry, requests for entry regional/national phase at these respective offices?
- g. For which countries is it necessary to file a translation and in which language should this translation been filed?

Examination - 22

CASE 2

Att.: Mrs. Always GRANTED

**IP Agent - BE SURE
Patentstreet 24
1234AA, The Hague
THE NETHERLANDS**

**The Edward Hair
Vampire Street 666
Twilight District, 1234
Paris, France
Tel.: 1234567890
Fax: 0987654321
e-mail: edward@hair.do**

Dear Madam Always Granted,

We are very pleased to let you know that we have finalized our best formula yet for the hair gel to recreate The Perfect Edward Hair style.

We need to move fast and file a European Patent application TODAY - 31 May 2018.

The competitors are fierce, and demand is extremely high.

No expenses are to be spared, therefore pay all fees that can be paid at filing and make sure we will receive European Search report on this Patent Application, additionally please request the examination directly as well.

As business is booming we wish to include validation to Moldova and Morocco and further extend to Croatia and Albania.

We include herewith the 40 pages in English, which include: 33 pages of patent description, 1 page with abstract, 4 pages with 4 drawings and 2 pages with 20 claims.

This, to be filed, European Patent Application must claim priority of the previously filed national French Patent Application, filed on 15 September 2017 with the filing number FR1234567. For your information, we have no search report on this national French patent application we claim priority from. We do not intend to file further declaration of priority.

Our reference number for this case is WINNER 2018 and title of this invention is: BEST EDWARD HAIR EVER. As usually, as we are nothing but traditional, we wish you to file on paper! My company The Edward Hair is to be listed as the applicant and I am the sole inventor, see contact details of the company above. As you know my nationality is French.

We trust you have all the information you need!

Sincerely yours,

Bella INCREDIBLE, The Edward Hair

Examination - 23

- a. Is it possible to file this patent application at the European Patent Office, or does it need to be filed at the French Patent Office (INPI- Institut National de la Propriété Industrielle)? Motivate your answer.

You decide to file this patent application at the European Patent Office.

- b. Indicate the fees, including the amounts, that must be paid so that a filing date will be accorded. Motivate your answer.
- c. Indicate the fees, including the amounts, that must be paid to let the application proceed to search so that all claims are searched, without incurring surcharges.
- d. Indicate the deadline to file a copy of the priority document.
- e. What will happen if you fail to file the copy of the priority document before the deadline?

At the request of the client you also paid the examination fee, designation fee, extension fee and validation fees upon filing.

- f. Name all possibilities to speed up the proceedings before the EPO until grant.

Examination - 24

CASE 3

The enclosed diagram represents the procedural steps in the Benelux trademark opposition procedure. In the answer sheet, fill in the names of the procedural steps in the correct order.

a.

1. Publication of Benelux trademark application – given
- Submitting arguments by opponent
- Appeal
- Defendant responds to proof of use and arguments
- Filing of opposition
- Requesting proof of use by defendant
- Cooling-off period
- Decision on opposition by Benelux Office for Intellectual Property
- Submitting proof of use by opponent

Examination - 25

1. Publication of Benelux trademark application		
	↓	
2.		
	↓	
3.		
	↓	
4.		
	↓	
5.		
	↓	
6.		
	↓	
7.		
	↓	
8.		
	↓	
9.		

Examination - 26

- b. Your client asks you whether his licensee can act as opponent in a Benelux trademark opposition procedure. Is this possible? Motivate your answer.

Your client requests you to start a Benelux trademark opposition procedure invoking one of his Benelux trademark registrations. You file all the necessary documents and pay 40% of the opposition fee upon filing the request for opposition. You forget to timely pay the second portion of the opposition fee.

- c. When should the second portion of the opposition fee have been paid and what will be the consequence of not paying this required second portion of the opposition fee?

Regarding a filed Benelux opposition request you discover that the invoked Benelux trademark has not been registered yet.

- d. What will be the consequence for your filed opposition request?

In a Benelux opposition procedure, the cooling off period was not extended.

- e. When will the adversary proceedings start?

With regard to a Benelux opposition procedure an extension of the cooling off period was requested. After two months your client decides that no results have been made or will come from the negotiations with the counterparty. The cooling off period started on 17 April 2018.

- f. When will the extended cooling off period end and is there any possibility to stop this extended cooling off period and to proceed with the opposition procedure before the cooling off deadline? Motivate your answer.

When a Benelux trademark application is published it is possible to file an opposition request against the Benelux trademark application. At the same time it is possible that examination on absolute grounds for the Benelux trademark application has not yet been completed.

- g. If a provisional refusal is issued for the Benelux trademark application, what is the consequence for your filed opposition request? What happens if the provisional refusal is reconsidered (overturned)?
- h. What happens with the opposition when the refusal becomes final?