

NATIONAL INSTITUTE FOR THE DEFENSE OF COMPETITION AND INTELLECTUAL PROPERTY PROTECTION (PERU)

AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: National Institute for the Defense of Competition and Intellectual Property Protection (Peru)

CAC Decision 486: Decision 486 of the Commission of the Andean Community

SUMMARY**Designated
(or elected) Office****SUMMARY****PE NATIONAL INSTITUTE FOR THE DEFENSE OF COMPETITION AND INTELLECTUAL PROPERTY PROTECTION (PERU) PE****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	Spanish
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?	A copy is required only if the Office 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) or 40(2).
National fee:	Currency: Nuevo sol (PEN) For patent: Filing fee: ¹ PEN 720 For utility model: Filing fee: ¹ PEN 324
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51 <i>bis</i>):	Name and address of the inventor if they have not been furnished in the "Request" part of the international application ^{2,3} 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) Statement justifying the applicant's right to the invention ^{2,3} Statement justifying the applicant's priority right ^{2,3} Translation of the international application to be furnished in two copies ³ Power of attorney if an agent is appointed Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form

*[Continued on next page]*¹ Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).² This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.³ 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 of two months from the date of receipt of the invitation.

SUMMARY**Designated
(or elected) Office****SUMMARY****PE NATIONAL INSTITUTE FOR THE DEFENSE OF COMPETITION AND INTELLECTUAL PROPERTY PROTECTION (PERU) PE***[Continued]*

Who can act as agent?

Any natural or legal person resident in Peru

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 requests

THE PROCEDURE IN THE NATIONAL PHASE

- PE.01 **FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a special form for entering the national phase (see Annex PE.II). This form should preferably (but need not) be used.
- PE.02 **TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as originally filed (see National Phase, paragraphs 6.002 and 6.003).
- PE.03 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex PE.I.
- PE.04 **POWER OF ATTORNEY.** An agent must be appointed by filing a power of attorney. Any natural or legal person resident in Peru may act as agent.
- CAC Decision 486
Art. 80
- PE.05 **ANNUAL FEES.** Annual fees are due each year on the anniversary of the international filing date. They may also be paid for several years in advance. Payment may still be made within six months from the due date, subject to the payment of a surcharge. The amount of the annual fees is indicated in Annex PE.I.
- CAC Decision 486
Art. 44
- PE.06 **REQUEST FOR EXAMINATION.** Requests for examination must be made, together with the payment of the prescribed fees, within six months from the date of publication of the application by the office.
- PCT Art. 28
41
PCT Rule 52
78
CAC Decision 486
Art. 34
PCT Art. 25
PCT Rule 51
- PE.07 **AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may, at any time before the patent is granted, make amendments to his application, with the payment of the prescribed fee, provided that the amendment does not go beyond the disclosure in the initial application.
- PE.08 **REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase.
- PCT Art. 48
PCT Rule 82bis
CAC Decision 486
Art. 39
- PE.09 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase. If the applicant fails to comply with the applicable requirements prescribed by the national law upon entry into national phase, the Office will invite the applicant to comply within a period of two months following the date of notification; this period may be extended once, upon request, for an equal length of time.
- PCT Rule 49.6
- PE.10 **REINSTATEMENT OF RIGHTS.** Reinstatement of rights may be requested where the applicant failed to observe a time limit set by the Office in spite of due care, which is prejudicial to his rights. A request for reinstatement must be presented in writing within two months from the removal of the cause of the failure to observe the time limit or twelve months from the date of expiration of the applicable time limit, whichever time limit expires earlier. Within the said time limit, the omitted action must be completed.
- PCT Art. 43
PCT Rule 49bis.1(a)
- PE.11 **UTILITY MODEL.** Subject to paragraph PE.12, if the applicant wishes to obtain a utility model instead of a patent in Peru, on the basis of an international application, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.
- PCT Rule 49bis.2(b)
CAC Decision 486
Art. 35
- PE.12 **CONVERSION.** The applicant may convert an application for a patent into an application for a utility model by filing a request to that effect. The converted application shall have the filing date of the initial application.

FEES**(Currency: Nuevo sol (PEN))****Patents**

Filing fee	720	
Fee for requesting examination	549.13	
Fee for requesting re-examination	488.13	
Fee for amendment	46.86	
Priority claim fee, per priority.	134.49	
Annual fees		
— for the first year to grant	140	(172) ¹
— after grant up to 10 th year, per year	274.93	(306.91) ¹
— for the 11 th to 20 th years, per year.	405.95	(435.65) ¹

Utility models

Filing fee	324
Fee for requesting examination	279.55
Fee for requesting re-examination	235.11
Fee for amendment	39.05
Priority claim fee, per priority.	111.83



How can payment of fees be effected?

The payment of the fees has to be effected in nuevos soles. All payments must indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the category of fee being paid.

Payment may be effected to the Office by cheque, money order or cash. Payments by money order should be made to the following banks: Banco de Crédito del Perú, account number: M/N 193-116125-0-34; Scotiabank, account number: M/N 000-0186511; or Banco de la Nación, account number: M/N 000-282545.

¹ The amount in parentheses is applicable in case of late payment within a grace period of six months from the due date (see paragraph PE.05).

SOLICITUD DE REGISTRO DE PATENTE – ENTRADA FASE NACIONAL

  <p>INSTITUTO NACIONAL DE DEFENSA DE LA COMPETENCIA Y DE LA PROTECCION DE LA PROPIEDAD INTELECTUAL</p> <p>DIRECCION DE INVENCIONES Y NUEVAS TECNOLOGIAS</p>	<p>(21)</p> <p>(22)</p>
<p>A la Dirección de Invenciones y Nuevas Tecnologías se solicita el registro de la concesión, conforme a las siguientes especificaciones, de:</p>	
<p>(12) Patente de Invención <input type="checkbox"/> Modelo de Utilidad <input type="checkbox"/></p>	
<p>Capítulo I <input type="checkbox"/> Capítulo II <input type="checkbox"/></p>	
<p>(71) Solicitante (s), domicilio (s), y país (es)</p>	
<p>Teléfono (s) Telefacsimil (es)</p>	
<p>(72) Inventor (es), domicilio (s) y nacionalidad (es)</p>	
<p>(74) Representante / Apoderado y domicilio</p> <p>N° Agente Poder N° Anexo a:</p> <p>Teléfono (s) Telefacsimil (es)</p>	
<p>(54) Título de la invención</p>	
<p>(51) Clasificación internacional sugerida (CIP⁷)</p>	
<p>(xx) PCT</p> <p>Solicitud Internacional N°: Fecha:</p> <p>Publicación Internacional N°: Fecha:</p>	
<p>(30) Reivindica prioridad Sí <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>(31) Número (s) (32) Fecha (s) (33) País (es)</p>	
<p>RECAUDOS ANEXOS:</p> <p><input type="checkbox"/> Poder o documento de personería</p> <p><input type="checkbox"/> Comprobante de pago de tasa</p> <p><input type="checkbox"/> Traducción de la memoria descriptiva</p> <p><input type="checkbox"/> Traducción de las reivindicaciones</p> <p><input type="checkbox"/> Traducción del resumen</p> <p><input type="checkbox"/> Documento de cesión</p> <p><input type="checkbox"/> Contrato de acceso</p> <p><input type="checkbox"/> Licencia/Autorización de uso de conocimientos tradicionales</p> <p><input type="checkbox"/> Certificado de depósito de material biológico</p> <p><input type="checkbox"/> Certificado de protección</p> <p><input type="checkbox"/> Otros, especificar: _____</p>	<p>Fecha: ____ de _____ de _____</p> <hr/> <p>Firma</p> <hr/> <p>Nombre del firmante</p>