

Answer to the questionnaire on the Term "Quality of Patents" and Cooperation between Patent Offices in Search and Examination

The answers to this questionnaire have been provided on behalf of:

Country: Montenegro (ME)

Office: Intellectual Property Office / Department of Patents

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Q 1. Answer: *In our office the "Quality of Patents" is very complex the system, at the national or regional and in the global level highly professional which implies a scientific and systematic method of research.*

The quality of patents Crucial criteria for determining are:

- *optimal balance between scope and legal certainty,*
- *the extent of technological innovation,*
- *the drafting of patent documents,*
- *the stability of patent rights,*
- *skilled staff,*
- *the validity period of patents and*
- *the utilization of patents.*

Q2. Answer: *Cooperation with other patent offices is realized, but as far as search and examination, the Intellectual Property Office of Montenegro in the process of grant of the patent, in accordance with Article 41 of the Patent Law, made only a formal examination of the application.*

However, Article 46 of the Patent Law provides that no later than the ninth year of validity of the patent, the patent owner shall be required to submit proof of patentability, state and interstate institution in accordance with Article 32 of the Agreement on cooperation in the field of patents, or the institution with which the IP Office of Montenegro have signed a cooperation agreement.

Q4. Answer: *The patent examiners use in the work : espacenet, patentscope, European Patent Register and online database of the Republic of Serbia, Croatia, Slovenia and others.*

In our office owns EBD system where we store all European patents for which are requested extension to Montenegro, in accordance with Article 153 of the Patent Law any international application in which Montenegro, pursuant to the provisions of the Treaty, has been designated or elected for the granting of a national patent, shall be deemed to be the request for extension of the European patent to Montenegro, within the meaning of this Law, and the European patent Office shall act as designated or elected Office under the Treaty. Article 154 of the Patent Law stipulates that the European Patent Office shall act as the competent authority for the searching and international preliminary examination of international applications .

Q6. Answer: In this context, the capacity building is understood to refer to various activities and trainings that support development of knowledge and skills of office employees for effective cooperation between offices in search and examination.

European Patent Office organizes seminars and training, in cooperation with the IP Office of Montenegro for patent holders, employees of IP Office , the University and of the representatives with the state authorities and other involved in the protection and enforcement of IP rights.

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