

CUBAN INDUSTRIAL PROPERTY OFFICE

(OFICINA CUBANA DE LA PROPIEDAD INDUSTRIAL)
AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Cuban Industrial Property Office

DL68: Decree-Law No. 68, on Inventions, Scientific Discoveries, Industrial Designs, Marks and Appellations of Origin (of 14 May 1983, as amended on 9 June 1995)

DL160: Decree-Law No. 160, to Facilitate the Filing and Amendment of Patent Applications for Pharmaceutical or Agricultural Chemical Products (of 9 June 1995)

Res999: Resolution No. 999 of the Academy of Science of Cuba (of 13 June 1983, as amended by Resolution No. 1046 of 9 September 1983)

SUMMARY**Designated
(or elected) Office****SUMMARY****CU****CUBAN INDUSTRIAL PROPERTY OFFICE****CU****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, 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?	No
National fee:	Currency: Cuban convertible peso (CUC) Filing fee (including publication fee and the annual fee for the 1 st and the 2 nd years): ² CUC 460
Exemptions, reductions or refunds of the national fee:	None

[Continued on next page]

¹ If not already furnished 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 60 days. If the translation of the amended application is not furnished, the Office will proceed on the basis of the translation of the application as originally filed. If the translation of the application as originally filed is not furnished, the application will be considered abandoned.

² The Office may also require payment of the third annual fee at the time of filing, depending on the date of entry into the national phase.

SUMMARY**Designated
(or elected) Office****SUMMARY****CU****CUBAN INDUSTRIAL PROPERTY OFFICE****CU***[Continued]*

Special requirements of the Office
(PCT Rule 51*bis*):^{3,4}

Instrument of assignment or transfer where the applicant is not the inventor⁵

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

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

Evidence concerning non-prejudicial disclosures or exceptions to lack of novelty, such as disclosures resulting from abuse, disclosures at certain exhibitions and disclosures by the applicant during a certain period of time

Verified translation of the international application to be furnished in two copies

Verified translation of the priority document⁶

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

Who can act as agent?

Any person authorized to practice before the Office. The names and professional addresses of the persons who can act as representatives are published in the Official Gazette [*Boletín Oficial de la Oficina*].

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 of 60 days.

⁴ The list of special requirements is still subject to confirmation by the Office.

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

⁶ If the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable.

THE PROCEDURE IN THE NATIONAL PHASE

CU.01 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see paragraphs 57 and 58 of the General Part of this Volume).

CU.02 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex CU.I.

DL160 Art. 3(2)
DL68 Art. 138 **CU.03 POWER OF ATTORNEY.** An agent authorized to practice before the Office must be appointed by filing a power of attorney if the applicant is not resident in Cuba. A model is given in Annex CU.II.

DL68 Art. 10 **CU.04 ASSIGNMENT DEED.** For details, see the model for such deed in Annex CU.III. If the applicant has obtained the right to file the international application through the intermediary of one or more other persons and not directly from the inventor, an assignment deed linking the inventor and the applicant must be produced.

CU.05 Where the priority of an earlier application is claimed and the applicant in that application is not identical with the applicant of the international application, a copy of the instrument granting the latter the right to claim the priority of the earlier application must be furnished at the same time.

DL68 Art. 59
60 **CU.06 ANNUAL FEES.** Annual fees are payable from the international filing date and must be paid within 31 months from the priority date, whether or not preliminary examination has been effected. A period of grace of six months will be allowed for the payment of an expired annual fee, but the prescribed amount thereof will then be doubled. Failure to pay annual fees will result in the lapse of the patent or patent of addition. Patents may be extended past their 10-year term for up to five years, upon the payment of extension fees. For the amount of these fees, see Annex CU.I.

DL68 Art. 7
9 **CU.07 AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may, before grant, request rectification of errors of form or substance that may have been made in the drafting of the application, provided that such rectification does not essentially alter the elements on which the grant is dependent. Any holder of a patent or inventor's certificate may request the recording of any legitimate amendment affecting his title of protection, which must be evidenced by the documents that legally justify it. The amount of the fee payable for such amendment is indicated in Annex CU.I.

DL68 Art. 52
Res999 Art. 7 **CU.08 EXCUSE OF DELAYS IN MEETINGS TIME LIMITS.** Reference is made to paragraphs 67 to 71 of the General Part of this Volume. Where an official notice is not complied with within the prescribed time limit, the application will be considered abandoned and may not be filed again; this limitation does not apply to applications for inventors' certificates and inventors' certificates of addition, which may consequently be filed again. Applicants may obtain a grace period of 30 calendar days for responding to official notices, upon the payment of a fee. The amount of the fee for such grace period is indicated in Annex CU.I.

PCT Art. 25
PCT Rule 51 **CU.09 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 63 to 66 of the General Part of this Volume.

- DL68 Art. 182 CU.10 **APPEALS.** Interested parties may file an administrative appeal against decisions rendered by the Director of the Office before the Civil and Administrative Chamber of the People's Provincial Tribunal of the City of Havana, within a period of 30 days from the day following the notification of the decision.
- PCT Rule 49bis.1 (c) 76.5
DL68 Art. 24 39
DL160 Art. 2 74-87
- CU.11 **INVENTOR'S CERTIFICATE.** Any desire of the applicant to obtain, in Cuba, on the basis of an international application, an inventor's certificate instead of a patent, must have been indicated, for international applications filed before 1 January 2004, in the international application (in Box No. V of the request) when filed; for international applications filed on or after 1 January 2004, since the request form no longer provides for the furnishing of such an indication, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.
- DL68 Art. 79 CU.12 The requirements for the national phase are basically the same as for patents, except that no fees need be paid for inventors' certificates.
- DL68 Art. 56 CU.13 **CONVERSION.** During the processing of the international application, the applicant has the right to convert his application for a patent into an application for an inventor's certificate, or an application for a patent of addition into an application for an inventor's certificate of addition. Holders of patents or patents of addition may request conversion into inventors' certificates or inventors' certificates of addition until five years after grant.

FEES

(Currency: Cuban convertible peso)

Filing fee (including publication fee and the annual fee for the 1 st and the 2 nd years) ¹	460
Fee for each page in excess of 30	5
Fee for amendment or modification	100
Fee for grant	140
Fee for claiming priority, per priority	50
Fee to respond to an invitation from the Office	85
Fee for extension of time to respond to an invitation from the Office	70
Annual fees:	
— for the 3 rd year	200
— for the 4 th year	250
— for the 5 th year	300
— for the 6 th year	350
— for the 7 th year	400
— for the 8 th year	450
— for the 9 th year	500
— for the 10 th year	550
— for extension of patent term	320
— in period of grace of six months	350
Extension fees (during the period of grace):	
— for the 1 st year	600
— for the 2 nd year	650
— for the 3 rd year	700
— for the 4 th year	750
— for the 5 th year	800
— in period of grace of six months	double of the corresponding fee

How can payment of fees be effected?

The payment of fees must be effected in Cuban convertible pesos. 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. All fees must be paid to the Office, either by check or in cash.

¹ The Office may also require payment of the third annual fee at the time of filing, depending on the date of entry into the national phase.

PODER / POWER OF ATTORNEY / POUVOIR

Yo/Nosotros / I/we / Je/Nous¹ :

nombro/nombramos / do hereby appoint / nomme/nommons² :

para encargarse en mi/nuestro nombre de los trámites para presentar una solicitud relativa a la invención intitulada³
to undertake on my/our behalf the procedures for filing an application in relation to the invention entitled³
pour accomplir en mon/notre nom les formalités de dépôt d'une demande relative à l'invention intitulée³ :

en la Oficina Cubana de la Propiedad Industrial
before the Cuban Industrial Property Office
auprès de l'Office cubain de la propriété industrielle

de conformidad con la legislación cubana sobre patentes / according to the Cuban legislation on patents /
conformément à la législation cubaine sur les brevets.

Lugar/Place/Lieu Fecha/Date

Firma(s) / Signature(s)

¹ Indicar de manera completa (a) el nombre y (b) la dirección de la persona o de la empresa que ha nombrado al mandatario / Insert in full (a) the name and (b) address of the individual or corporation appointing the attorney / Indiquer le nom complet (a) et l'adresse complète (b) de la personne ou de la société qui nomme le mandataire.

² Nombre del mandatario / Name of the attorney / Nom du mandataire.

³ Título de la invención / Title of the invention / Titre de l'invention.

ACTA DE CESIÓN / DEED OF ASSIGNMENT / ACTE DE CESSION

Yo/Nosotros/el que suscribe/los que suscriben:
It is hereby declared that I/we the undersigned:
Je/Nous soussigné(s) :

declaro/declaramos por la presente acta haber cedido mi/nuestro derecho de solicitar y obtener una patente en Cuba relativa a la invención intitulada:
have assigned my/our right to apply for and obtain a patent in Cuba in respect of the invention entitled:
déclare/déclarons par le présent acte avoir cédé mon/notre droit de demander et d'obtenir un brevet à Cuba en ce qui concerne l'invention intitulée :

a/to/à :

Lugar/Place/Lieu :.....

Fecha/Date :.....

Firma(s) / Signature(s)

NO SE REQUIERE LEGALIZACIÓN / NO LEGALIZATION REQUIRED /
AUCUNE LÉGALISATION REQUISE