

INDUSTRIAL PROPERTY OFFICE
(CZECH REPUBLIC)
(ÚŘAD PRŮMYSLOVÉHO VLASTNICTVÍ)
AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office:	Industrial Property Office (Czech Republic)
PL:	Patent Law No. 527/1990, as amended ¹ Implementing Decree No. 550/1990, as amended (No. 21/2002)
UML:	Utility Model Law No. 478/1992, as amended ¹
Law No. 173/2002:	Law on Fees for Maintenance of Patents and Supplementary Protection Certificates for Medicaments and Plant Protection Products and on Amendment of Some Acts ¹
Fees:	Law No. 634/2004 Coll., on Administrative Fees

¹ The text of the laws may be obtained on the Internet at: www.upv.cz.

SUMMARY**Designated
(or elected) Office****SUMMARY****CZ****INDUSTRIAL PROPERTY OFFICE
(CZECH REPUBLIC)****CZ****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:	Czech
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, 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: Czech koruna (CZK) For patents: Filing fee: ¹ CZK 1,200 For utility model: Filing fee: ¹ CZK 1,000
Exemptions, reductions or refunds of the national fee:	The filing fee is reduced by 50% where the applicant is also the inventor
Special requirements of the Office (PCT Rule 51 <i>bis</i>): ²	Instrument of assignment or transfer where the applicant is not the inventor ³ Instrument of assignment of the priority right where the applicants are not identical ³ Appointment of an agent if the applicant is not resident in the Czech Republic Three copies of translation of international application and three copies of drawings for patent Two copies of translation of international application and two copies of drawings for utility model Power of attorney in duplicate if the international application is for both a patent and a utility model
Who can act as agent?	Any patent agent or attorney registered in the Czech Republic
Does the Office accept requests for restoration of the right of priority (PCT Rule 49 <i>ter</i> .2)?	No

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

² 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.

³ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

THE PROCEDURE IN THE NATIONAL PHASE

- CZ.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). If the translation furnished to the Office contains only the description, the Office will invite the applicant to furnish the missing parts and will excuse the late furnishing, provided that the scope of the disclosure contained in the translation furnished to the Office is not broadened thereby.
- CZ.02 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex CZ.I.
- PL Art. 29 **CZ.03 DECLARATION OF ASSIGNMENT.** Where the applicant is not the inventor a declaration of assignment of the right to file the international application must be furnished. For details, see the model of such declaration (not an official form) in Annex CZ.II. Legalization is not required. For time limits, see the Summary.
- PL Art. 29 **CZ.04 ASSIGNMENT OF PRIORITY RIGHT.** Where the priority of an earlier application is claimed and the applicant(s) in that application is (are) not identical with the applicant(s) of the international application, an assignment of the priority right must be furnished. For details, see the model for such assignment (not an official form) in Annex CZ.III. Legalization is not required. For time limits, see the Summary.
- PL Art. 70(1) **CZ.05 POWER OF ATTORNEY.** An agent must be appointed by filing a power of attorney. A model is given in Annex CZ.IV.
- Law No. 173/2002 **CZ.06 ANNUAL FEES.** After a patent has been granted, a fee must be paid for each year following the international filing date. Payment of the annual fees for the years which have expired or begun at the date of granting the patent must be made within three months after the grant of the patent. The annual fees for subsequent years must be paid not later than the last day in which “the patent year” expires. In case of failure to pay a fee within the required time limit it is still possible to make the payment within an additional time limit of 6 months, in which case, however, the fee is doubled.
- PL Art. 33(1)
33(2) **CZ.07 REQUEST FOR EXAMINATION.** A patent will be granted only after examination as to patentability which may be requested by the applicant or by a third party. There is no special form for the request.
- PL Art. 33(3) **CZ.08 TIME LIMIT FOR REQUESTING EXAMINATION.** Examination must be requested within three years from the international filing date.
- PCT Art. 28
41 **CZ.09 AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may make amendments to the description, claims and drawings, until the decision granting the patent becomes definitive, provided that the subject matter of the amended application does not exceed the scope of the application as originally filed.
- PCT Art. 25
PCT Rule 51 **CZ.10 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 63 to 66 of the General Part of this Volume. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, a request for rejudgment of that decision may be filed within 30 days from the date of the notification of this decision.
- PCT Art. 24(2)
48(2) **CZ.11 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 67 to 71 of the General Part of this Volume.

- PL Art. 65 CZ.12 Time limits fixed by the Office for a certain action may be extended upon request and payment of a fee for extension of time limits (see Annex CZ.I). A time limit of more than two months and more than three extensions of a time limit may be given only in special cases.
- PL Art. 65 CZ.13 The Office may excuse a failure to comply with a time limit on legitimate grounds if a party to the procedure so requests within two months of the day on which the reason for failure to comply has ceased to exist, provided that the omitted act has been performed within that period and that the administrative fee in accordance with the relevant statutory provisions has been paid.
- PL Art. 65 CZ.14 Failure to comply with a time limit may not be excused after expiry of a period of one year after the end of the period within which the act should have been performed; failure to comply with a time limit for claiming and proving a priority right or for filing a request for examination of the application or a request for continuation of the patent procedure may, likewise, not be excused. Rights acquired by third parties between the date of expiry of the time limit which has not been complied with and the date on which the failure to comply was excused shall not be affected.
- PCT Art. 4.3
43
44 CZ.15 **UTILITY MODEL.** If the applicant wishes to obtain utility model registration in the Czech Republic on the basis of an international application
- PCT Rule 4.12
49bis.1
(a), (b)
76.5 (i) instead of a patent, or
(ii) in addition to a patent,
- UML Par. 9 subject to what is said in paragraph 19, for international applications filed before 1 January 2004, this must have been indicated 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.
- CZ.16 If the international application is for a utility model instead of a patent (see the case referred to in paragraph CZ.15) the requirements are basically the same as for patents except that the applicant is not required:
- (i) to furnish the translation of the abstract,
 - (ii) to make a request for examination and
 - (iii) to pay annual fees.
- Instead of annual fees, renewal fees become due for utility models. The due date and amounts are indicated in Annex CZ.I. By payment of the two renewal fees the term of protection may be extended a first time from five to seven years and a second time from eight to ten years.
- UML Par. 9 CZ.17 If the international application is for both a utility model and a patent (see the case referred to in paragraph CZ.15(ii), the applicant must, within the time limit applicable for the entry into the national phase, comply with the following requirements:
- (i) pay two filing fees for both the patent and the utility model,
 - (ii) furnish the translation into Czech language,
 - (iii) furnish the translation of international application in three copies for the patent and in two copies for the utility model,
 - (iv) file the power of attorney in duplicate.
- The requirements (i), (iii) and (iv) may still be complied with within a time limit fixed in an invitation by the Office, if not already complied with within the time limit applicable for the entry into the national phase.

PCT Art. 7(2)(ii)
PCT Rule 72

CZ.18 Where, in either of the cases referred to in paragraph CZ.15, the international application does not contain drawings, the Office will invite the applicant to furnish drawings within a time limit fixed in the invitation.

UML Par. 10

CZ.19 A utility model application concerning the subject matter of an earlier national or international patent application for a national patent for the Czech Republic may claim the filing date of that earlier patent application provided the utility model application is filed not later than the expiration of two months from the date on which the final decision on the patent application is taken or, if no such decision has been taken, before the end of the tenth year from the date, of filing of the patent application. Any priority which is claimed in the earlier patent application will also apply to the subsequent utility model application.

FEES

(Currency: Czech koruna)

Patents

Filing fee (reduction of 50% where the applicant is also the inventor)	1,200
Fee for registration of the assignment of an application to the name of another applicant	600
Fee for requesting examination:	
— basic fee	3,000
— additional fee for each claim in excess of 10	500
Fee for the first extension of a time limit	200
Fee for any further extension of a time limit.	500
Fee for requesting excuse of the failure to comply with a time limit	1,000
Fee for issue of letters patent not exceeding 10 pages	1,600
— for each additional page	100
Annual fees:	
— for the period from the 1 st to the 4 th year, per year	1,000
— for the 5 th to the 8 th year, per year	2,000
— for the 9 th year	3,000
— for the 10 th year	4,000
— for the 11 th and each subsequent year, per year	the amount relating to the preceding year increased by an additional amount of 2,000

Utility models

Filing fee (reduction of 50% where the applicant is also the inventor)	1,000
First renewal fee (becomes due on the last day of the month containing the 4 th anniversary of the filing date)	6,000
Second renewal fee (becomes due on the last day of the month containing the 7 th anniversary of the filing date)	6,000

How can payment of fees be effected?

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

Payment of annual fees must be effected to account No. 80012-21526001/0710 of the Industrial Property Office at the Czech National Bank in Prague, Czech Republic.

Payment of annual fees for European patents must be effected to account No. 35-21526001/0710 of the Industrial Property Office at the Czech National Bank in Prague.

Payment of other fees must be effected to account No. 3711-21526-001/0710 of the Industrial Property Office at the Czech National Bank in Prague.

Address: Czech National Bank, Na Prikope 28, Prague 1, Czech Republic.

(17 March 2005)

PROHLÁŠENÍ

DECLARATION

Já podepsaný

I undersigned

.....
.....

.....
.....

tímto prohlašuji, že jsem autorem vynálezu, pro který bylo v České republice požádáno o udělení patentu

declare hereby that I am the author of the invention for which a patent has been asked for in the Czech Republic

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on

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pod č.

under No.

Předmět vynálezu :

Object of the invention :

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Současně prohlašuji, že právo podat tuto přihlášku v České republice jsem převedl na :

Further I declare that I have assigned the right to file this patent application in the Czech Republic to :

.....
.....
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.....

Na důkaz toho můj vlastnoruční podpis :

In evidence thereof, my signature :

.....
Podpis/Full name and signature - (Bez legalizace - No legalization)

POSTOUPENÍ PRÁVA PŘEDNOSTI**ASSIGNMENT OF PRIORITY RIGHT**

Podepsaný

The undersigned

.....

.....

prohlašuje tímto, že postoupil

declares hereby to have assigned to

.....

.....

právo přihlásiti vynález, popsáný a přihlášený ve své patentové přihlášce

the right to apply for protection of the invention described and claimed in his patent application

čís

No

podané dne

filed on

týkající se

relating to

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vlastním jménem v České republice a domáhati se pro tuto mezinárodní přihlášku práva přednosti shora uvedené patentové přihlášky.

in his (their) own name in the Czech Republic and to claim for this international application the priority of the above-mentioned patent application.

.....
 Podpis/Signature (full name) - (Bez legalizace - No legalization)

Date

PLNÁ MOC/POWER OF ATTORNEY

Podepsaný (jméno a příjmení nebo plná firma společnosti):

The undersigned (first name and family name or full name of the company):

.....

.....

se sídlem v (ulice, číslo, místo, země):

residing at (street, number, locality, country):

.....

.....

státní příslušnost:

citizenship:

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zaměstnání:

profession:

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.....

pracoviště (zaměstnavatel):

place of employment (employer):

.....

.....

zmocňuje pana

appoints Mr.

.....

.....

aby jej zastupoval ve věci jeho mezinárodních přihlášek v České republice

to represent him in connection with his international applications in the Czech Republic

.....

Podpis (a razítko) - Signature (and seal)

Plnou moc přijímám:

Power of attorney is accepted:

.....

Podpis/Signature

Datum/Date

(Bez legalizace - No legalization)