

DANISH PATENT AND TRADEMARK OFFICE

AS DESIGNATED (OR ELECTED) OFFICE

CONTENTS

THE ENTRY INTO THE NATIONAL PHASE – SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees	Annex DK.I
National processing request form	Annex DK.II
Power of attorney	Annex DK.III
Deed of transfer	Annex DK.IV

List of abbreviations:

Office: Danish Patent and Trademark Office

DPL: Patents Act (Denmark)

DPO: Patents Order (Denmark)

DUL: Utility Models Act (Denmark)

DUO: Utility Models Order (Denmark)

SUMMARY**Designated
(or elected) Office****SUMMARY****DK****DANISH PATENT AND TRADEMARK
OFFICE****DK****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	Danish or English
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, as amended only), 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, only as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	The applicant should only send a copy of the international application if he/she has not received Form PCT/IB/308 and 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).
National fee:	Currency: Danish krone (DKK) Filing fee: ² Basic fee: DKK 3,000 Claim fee for each claim in excess of 10: DKK 300 Additional fee for late furnishing of translation or copy: ¹ DKK 1,100 Annual fees for the first three years: ³ DKK 1,500
Exemptions, reductions or refunds of the national fee:	None

[Continued on next page]

¹ Where the filing fee has been paid within the time limit applicable under PCT Article 22 or 39(1), the translation may be filed within two months from the expiration of that time limit, provided that the additional fee for late furnishing of the translation is also paid within those two months.

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

³ These fees are due on the last day of the month containing the second anniversary (24 months) of the international filing date; where PCT Article 39(1) applies, they are payable within two months after performing the acts for entering the national phase, unless the 24-month time limit has not yet expired.

SUMMARY**Designated
(or elected) Office****SUMMARY****DK****DANISH PATENT AND TRADEMARK
OFFICE****DK***[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

Who can act as agent?

Any natural or legal person resident in the European Economic Area

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

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.

THE PROCEDURE IN THE NATIONAL PHASE

- DK.01 FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a special form for entering the national phase (see Annex DK.II). This form should preferably (but need not) be used. Online filing is also available at <https://webforms.dkpto.dk/pa.php>.
- DPO Sec. 6
103 **DK.02 LANGUAGE OF PROCEEDINGS.** The description, the claims, any text matter of drawings and the abstract of the international application must be in English or in Danish. The claims must be translated into Danish before a patent is granted.
- DPL Sec. 31(3) **DK.03 TRANSLATION (LATE FURNISHING OF).** If the translation of the international application has not been furnished by the applicant within the time limit applicable under PCT Article 22 or 39(1) but the national fee indicated in the Summary has been paid within that time limit, the translation can still be furnished within a further period of two months, provided that the additional fee for late furnishing of the translation, indicated in the Summary, has been paid within those two months.
- DK.04 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 National Phase, paragraphs 6.002 and 6.003).
- DK.05 TRANSLATION (IN CASE OF LACK OF UNITY OF INVENTION).** Where a part of the international application was not subjected to an international search for reason of lack of unity of the invention, a translation is required only of those parts of the international application which were subjected to the international search. However, where the applicant wants to maintain the part which was not searched, a translation of this part must also be furnished. See also paragraph DK.08.
- DPL Sec. 8(4) **DK.06 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex DK.I.
- DPL Sec. 12
33 **DK.07 POWER OF ATTORNEY.** An agent may be appointed either by filing a separate power of attorney or in the special form referred to in paragraph DK.01 (see Annex DK.II). A model of a separate power of attorney is given in Annex DK.III.
- PCT Art. 17(3)(b)
34(3)(c)
DPL Sec. 36
37 **DK.08 ADDITIONAL SEARCH OR EXAMINATION REPORT (IN CASE OF LACK OF UNITY OF INVENTION).** Where a part of the international application was not subjected to international search or preliminary examination because the international application did not comply with the requirement of unity of invention and the applicant did not pay the additional search or preliminary examination fee to the International Searching or Preliminary Examining Authority, the Office will decide whether the said finding as regards the application translated into Danish or English was correct. If this is found to be the case, the Office will invite the applicant to pay an additional fee within two months after mailing of the notification of this decision. The amount of the said fee is indicated in Annex DK.I. Where the applicant does not pay the additional fee, that part of the international application which was not subjected to international search or preliminary examination will be considered withdrawn.
- DPL Sec. 19 **DK.09 PUBLICATION FEE.** A publication fee must be paid within two months after the date of the decision to grant. The amount of the fee is indicated in Annex DK.I.

DPL Sec. 8(5) 40 to 42	DK.10 ANNUAL FEES. Annual fees must be paid for each year following the international filing date. For the due date of the annual fees for the first three years, see the Summary. Payment of the subsequent annual fees must be made before the expiration of the month containing the anniversary of the international filing date. Payment can still be made, together with a 20% surcharge for late payment, before the expiration of the sixth month after the month containing the anniversary of the international filing date. The amounts of the annual fees are indicated in Annex DK.I.
PCT Art. 28 41 DPL Sec. 13	DK.11 AMENDMENT OF THE APPLICATION; TIME LIMITS. The applicant may make the following modifications before the Office, provided that the scope of the subject matter of the application is not broadened thereby:
DPL Sec. 34	(i) within 24 months from the priority date or, where PCT Article 39(1) applies, within 31 months from the priority date: corrections of defects and voluntary amendments;
DPL Sec. 19 to 21	(ii) up to the decision that the application is to be allowed for public inspection: amendments or additions to the description and drawing(s) if they are necessary to comply with general requirements under PCT Articles 5 and 7; amendments or additions to the claims, which, unless the Office allows otherwise, must be made by filing a new document comprising all of the claims in sequence; where additions are made to the claims, the applicant must at the same time file a statement indicating the reference basis for these additions.
PCT Art. 25 PCT Rule 51 DPL Sec. 24 25 38 DPO Sec. 92	DK.12 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. 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, an appeal against this decision may be lodged, within two months from the date of the decision, with the Board of Appeal. Within the same two-month time limit, a fee for appeal must be paid (for the amount, see Annex DK.I).
PCT Art. 24(2) 48(2)	DK.13 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Reference is made to paragraphs 6.022 to 6.027 of the National Phase.
DPL Sec. 72 73	DK.14 Reestablishment of rights may be requested where the applicant, in spite of all due care reasonably required, was unable to observe a time limit before the Office, default of which is prejudicial to his rights. A request for reestablishment must be presented in writing within two months after the removal of the cause of the failure to perform the action but not later than one year from the expiration of the time limit which has not been observed. Within the said two months, the omitted action must be completed, the fee for reestablishment of rights (see Annex DK.I) must be paid and the request must state the grounds on which it is based and set out the facts on which it relies.
DPL Sec. 15	DK.15 Resumption of proceedings concerning the application may be requested from the Office where the applicant missed a time limit which has been fixed for a certain action by the Office. Resumption of proceedings may not be requested where the missed time limit is fixed in the PCT, the PCT Regulations, the Danish Patents Act or the Danish Patents Order. A request for resumption of proceedings has the effect that the proceedings for grant will be resumed, provided that, within four months from the expiration of the missed time limit, the said request is presented in writing, the resumption fee (see Annex DK.I) is paid and the omitted act has been completed.
PCT Art. 4(3) 43 44 PCT Rule 49bis.1 (a), (b) 76.5 DUL Sec. 17 DUO Sec. 1	DK.16 UTILITY MODEL. If the applicant wishes to obtain utility model registration in Denmark on the basis of an international application
	(i) instead of a patent, or
	(ii) in addition to a patent,
	subject to what is said in paragraph DK.19, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.

DUL Part III
DUO Parts IIX and IX

DK.17 If the international application is for a utility model instead of a patent, the requirements are basically the same as for patents. However the applicant is not required to pay a fee for publication or annual fees. Instead of annual fees, renewal fees have to be paid for utility models. The due dates and the amounts are indicated in Annex DK.I. By payment of the two renewal fees, the term of protection may be extended a first time from three to six years and a second time from six to 10 years.

DK.18 If the international application is for both a utility model and a patent, the applicant must, within the time limit applicable for entry into the national phase, comply with the following requirements:

- (i) pay filing fees for both the patent and the utility model,
- (ii) furnish a translation of the international application into Danish in duplicate,
- (iii) file a power of attorney (if any) in duplicate.

DUL Sec. 12
DUO Sec. 13
14

DK.19 A utility model application concerning the subject matter of an earlier national, international or converted European patent application for Denmark filed after 8 July 1992 may use that earlier patent application as a basis for the utility model application, provided the utility model application, together with a request to that effect, is filed not later than two months after the earlier patent application has been withdrawn, abandoned or refused without possibility of reinstatement, at the latest, however, up to the end of the tenth year from the date of filing of the earlier patent application.

FEES**(Currency: Danish krone)****Patents**

National fee	3,000
Additional fee for late furnishing of translation or copy	1,100
Claim fee for each claim in excess of 10	300
Additional fee (see paragraph DK.09)	3,800
Publication fee	2,000
Resumption fee	700
Fee for reestablishment of rights	3,000
Appeal fee (see paragraph DK.13)	8,000
Fee for administrative re-examination	7,000
Fee for filing an opposition	2,500
Annual fees:	
— for the 1 st to the 3 rd year, per year	500
— for the 4 th year	1,100
— for the 5 th year	1,250
— for the 6 th year	1,400
— for the 7 th year	1,600
— for the 8 th year	1,800
— for the 9 th year	2,050
— for the 10 th year	2,300
— for the 11 th year	2,550
— for the 12 th year	2,800
— for the 13 th year	3,050
— for the 14 th year	3,300
— for the 15 th year	3,600
— for the 16 th year	3,900
— for the 17 th year	4,200
— for the 18 th year	4,500
— for the 19 th year	4,800
— for the 20 th year	5,100
Supplement for late payment	20% of the applicable annual fee
Fee for restoration of the right of priority	3,000

Utility models

National fee	2,000
Additional fee for late furnishing of translation or copy	1,100
Renewal fees:	
— for the 1 st period	2,000
— for the 2 nd period	3,000
Supplement for late payment	20% of the applicable renewal fee

How can payment of fees be effected?

The payment of fees has to be effected in Danish kroner. All payments must indicate the national application number (however, if that number is not yet known, the international application number may be used), the name of the applicant and the category of fee being paid.

Payment may be effected by transfer to the following bank:

Danske Bank
Holmens Kanal 2-12
DK-1092 København K.
Reg. No. 0216
Account No.: 4069056296
SWIFT: DABADKKK
IBAN: DK6602164069056296
EAN: 5798000025004



Patentansøgning

Læs venligst vejledningen til de enkelte punkter

2. Ansøgers/fuldmægtigs referencenr:

3. International indleveringsdag: Kapitel I
 Internationalt ansøgningsnr: Kapitel II
 Den danske oversættelse er indholdsmæssigt identisk med ovennævnte PCT ansøgning

4. Ansøger (fulde navn og adresse): Flere ansøgere på bagsiden

CVR-nr.: P-nr.: E-mail:
 Tlf. privat: Tlf. arb.: Mobil:

4a Jeg/vi erklærer hermed, at jeg/vi har ret til opfindelsen, og at jeg/vi har informeret opfinder(ne) om at der indgives patentansøgning og at opfinder(ne) er indforstået med dette.

5. Fuldmægtig (navn, adresse og evt. CVR-nr.):

Telefon: Telefax:

6. Opfinder (fornavn, efternavn, adresse og evt. CVR-nr.): Flere opfindere på bagsiden

7. Opfindelsens titel:

8. Prioritetspåstand: Flere prioritetspåstande på bagsiden

Dato	Land	Nr.
Dato	Land	Nr.
Dato	Land	Nr.

9. Ansøgningen omfatter deponering af en prøve af biologisk materiale, som angivet i patentlovens § 8a, stk. 1.

10. Ansøgningen omfatter en sekvensliste.

11. Ansøgningen er fremkommet ved deling eller udskillelse.
 Stamansøgningens nr.: Ansøgt løbedag:

13. Ansøgningen er tidligere indleveret pr. telefax den:

14. Dato og underskrift:

17. Underskrivers navn med blokbogstaver:

Patent- og
 Varemærkestyrelsen

Helgeshøj Allé 81
 2630 Taastrup

Tlf. : 43 50 80 00
 Fax : 43 50 80 01
 E-mail : pvs@dkpto.dk
 Web : www.dkpto.dk
 CVR-nr. : 17 03 94 15

Erhvervs- og
 Vækstministeriet

1. Gebyrer:

Ansøgningsgebyr
 Kravgebyr

ITS-undersøgelse:

NPI-nyhedsundersøgelingsgebyr
 SE-nyhedsundersøgelingsgebyr
 EPO-nyhedsundersøgelingsgebyr

12. Bilagsfortegnelse:

Fremmedsproget beskrivelse
 Dansk beskrivelse i 1 eksp.
 Sammendrag i 1 eksp.
 Tegninger i 1 eksp.
 Antal tegningsark _____
 Antal krav _____
 Prioritetsdokument
 Fuldmagt
 Overdragelsesdokument
 Fig nr. _____ ønskes
 publiceret sammen med sammen-
 draget.

15. Ansøgningen
 indleveres på

dansk
 engelsk
 andet sprog

16. Engelsk behandling af ansøgning m.m. ønskes



PATENT- OG VAREMÆRKESTYRELSEN

Vejledning

Vejledning til patentansøgning

Punkterne svarer til numrene på ansøgningskemaet.

Pkt 1. Ansøgningsgebyret er 3000 kr. Hvis der er flere end 10 krav, skal der betales et tillægsgebyr på 300 kr. for hvert krav ud over 10. Gebyret skal betales, når ansøgningen indleveres. Du kan ikke få pengene tilbage, heller ikke selv om du tilbagetager ansøgningen, eller den af andre grunde ikke fører til patent. En ITS undersøgelse (International Type Search) er en yderligere nyhedsundersøgelse af din danske ansøgning, du har mulighed for at få udført. Undersøgelsen udføres af en PCT-myndighed, som du vælger. Når du indleverer en national dansk ansøgning har du mulighed for at vælge mellem tre PCT-myndigheder, nemlig Nordisk Patent Institut (NPI), den svenske patentmyndighed (PRV) eller den europæiske patentmyndighed (EPO).

Pkt. 2. Denne rubrik er til eget brug.

Pkt. 3. Denne rubrik skal udfyldes, hvis ansøgningen er en vide-reførelse af en international ansøgning (PCT-ansøgning).

Pkt. 4. Såvel enkeltpersoner som virksomheder kan stå som ansøger. Flere kan også søge i fællesskab. Vi sender al korrespondance til den ansøger, der står først på ansøgningskemaet. Denne ansøger anses herefter som bemyndiget til at modtage meddelelser på de andres vegne. Du skal derfor være opmærksom på, at hvis du ønsker, at en anden ansøger, eller alle de andre ansøgere, skal modtage korrespondancen, så skal du markere det ved at understrege de pågældende navne på ansøgningen. Vi vil også gerne have, at du oplyser et telefonnummer og email, hvorpå du kan kontaktes. Såfremt du har udpeget en fuldmægtig jfr. pkt. 5, vil al korrespondance foregå med denne.

Pkt. 4a. Hvis ansøger og opfinder ikke er den samme, skal det fremgå af ansøgningen, at ansøgeren har ret til opfindelsen, at ansøger har informeret opfinder(ne) om, at der indgives patentansøgning og at opfinder(ne) er indforstået med dette. Dette skal gøres ved at afkrydse feltet. I særlige tilfælde kan vi dog kræve yderligere dokumentation.

Pkt. 5. Hvis en anden skal repræsentere dig under sagens behandling, skal du oplyse navn og adresse på denne fuldmægtig. En fuldmagt skal vedlægges. Formularer til fuldmagt kan du få hos os.

Pkt. 6. Kun fysiske personer kan være opfindere. Der må gerne stå flere opfindere, hvis flere har gjort opfindelsen i fællesskab.

Pkt. 7. Der skal gives en kortfattet og saglig titel for opfindelsen. Det er ikke meningen, at titlen skal afsløre opfindelsen. Den skal blot give et indtryk af, hvad ansøgningen handler om. Titlen må ikke indeholde fantasibetegnelser, fx et produkts salgsnavn.

Pkt. 8. Denne rubrik skal kun udfyldes, hvis du tidligere har søgt patentbeskyttelse eller lignende på den samme (eller delvis den samme) opfindelse, enten her i landet eller i udlandet. Man kan få prioritet fra en tidligere ansøgning, hvis den nye ansøgning indleveres senest et år efter den første. Når du indleverer en ansøgning, skal du inden 16 måneder fra prioritetsdagen (se Guidelines for patenter: Begæring om prioritet) oplyse, om du ønsker prioritet fra en sådan ældre ansøgning og oplyse dens nummer, hvornår den er indleveret (prioritetsdagen) og i hvilket land. Desuden skal du senest 16 måneder fra prioritetsdagen indlevere en kopi af den første ansøgning (prioritetsdokument). Prioritetsdokument skal ikke indleveres, hvis den ønskede prioritet stammer fra en tidligere dansk ansøgning, eller hvis ansøgningen er en videreførelse af en PCT-ansøgning.

Pkt. 9. Hvis du ønsker, at ansøgningen skal omfatte deponerede prøver af biologisk materiale, skal du være opmærksom på, at der gælder særlige regler for deponeringen. Se Guidelines for patenter, Deponering. En deponering kan være nødvendig for at opfindelsen kan anses for at være angivet tilstrækkeligt tydeligt i ansøgningen.

Pkt. 10. Hvis opfindelsen angår sekvenser på ti eller flere nukleotider eller fire eller flere aminosyrer, skal du indlevere en sekvensliste. Sekvenslister skal udformes i overensstemmelse med en særlig standard, se Guidelines for patenter, Nukleotider og aminosyresekvenser.

Pkt. 11. Hvis en ansøgning er fremkommet ved deling eller udskillelse af en ældre ansøgning (stamansøgning), kan vi anerkende en tidligere indleveringsdag (løbedag) i kraft af bilagene i stamansøgningen. Du skal dog selv anmode om en sådan tidligere løbedag. Det er en betingelse for, at vi kan betragte ansøgningen som fremkommet ved deling eller udskillelse, at du allerede ved indleveringen oplyser dette og angiver stamansøgningens nummer. Du skal være opmærksom på, at en ansøgning, der er fremkommet ved deling af en anden ansøgning, offentliggøres samtidig med stamansøgningen. Hvis stamansøgningen allerede er offentliggjort, vil den afdelte ansøgning blive offentliggjort ved indleveringen, uanset at der først bliver taget stilling til om delingen kan accepteres ved den tekniske sagsbehandling.

Pkt. 12. Der gælder særlige regler for, hvordan beskrivelse (med patentkrav), tegninger og sammendrag skal udformes. Det er nærmere beskrevet i vores "Vejledning til ansøgning om patent". Beskrivelse, sammendrag og eventuelle tegninger skal følge med ved indleveringen. Vi beder dig være opmærksom på, at hvis der mangler beskrivelse (og i givet fald tegninger), kan det have betydning for, hvilken indleveringsdag ansøgningen kan få. Ved videreførelse af PCT-ansøgninger skal beskrivelsen bestå af en bekræftet oversættelse af den internationale ansøgning, inkl. sammendrag. Denne oversættelse skal følge med ved indleveringen. De øvrige bilag behøver ikke foreligge allerede ved indleveringen. Vi henviser dog til bemærkningerne under pkt. 8 om prioritetsdokument.

Pkt. 13. Hvis du tidligere har indsendt ansøgningen via telefax, beder vi dig sætte kryds i denne rubrik.

Pkt. 14. Ansøgningskemaet skal underskrives af ansøgeren (eller ansøgerne, hvis der er flere). Er der udnævnt en fuldmægtig kan denne underskrive på ansøgers vegne.

Pkt. 15. Du har mulighed for at få foretaget nyhedsundersøgelsen og patenterbarhedsvurderingen på basis af norsk-, svensk- eller engelsksproget beskrivelse, patentkrav og sammendrag. Se Guidelines for patenter, Sprog-patent.

Pkt. 16. Du skal sætte kryds i denne rubrik, hvis du ønsker at vi skal foretage sagsbehandlingen og korrespondancen på engelsk. Hvis dette ikke er valgt, vil vi foretage behandlingen på dansk.

Pkt. 17. Underskrivers navn skrives med blokbogstaver.

Du er velkommen til at få yderligere oplysninger ved at ringe til os.



Fuldmagt/*Power of Attorney*

Patent

Undertegnede (navn, adresse og evt. CVR-nr.):

The undersigned (name, address and if possible VAT-nr.):

Patent- og
Varemærkestyrelsen

Helgeshøj Allé 81
2630 Taastrup

Tlf. : 43 50 80 00
Fax : 43 50 80 01
E-mail : pvs@dkpto.dk
Web : www.dkpto.dk
CVR-nr. : 17 03 94 15

Erhvervs- og
Vækstministeriet

der ansøger om patent i Danmark på (opfindelsens titel og evt. ansøgningsnummer):

who applies for patent in Denmark for (title and, if possible, application No.):

bemyndiger herved (navn, adresse og evt. CVR-nr.):

does hereby authorize (name, address and if possible VAT-No.):

til at repræsentere mig/os i alt vedrørende ansøgningen og det deraf følgende patent,

herunder til at tilbagetage ansøgningen

to act on my behalf in all matters concerning the application as well as the patent, including withdrawal of the application.

Fuldmagten er gyldig, indtil den erstattes af en anden fuldmagt eller tilbagekaldes skriftligt over for Patent- og Varemærkestyrelsen.

The power of attorney is valid until it is replaced by another power of attorney or is revoked in writing to the Danish Patent and Trademark Office.

Sted/Place:

Dato/Date of signing:

Ansøgers underskrift/Signature of the applicant:



Overdragelse/*Assignment*

Patent

Undertegnede (navn, adresse og evt. CVR-nr):

The undersigned (name, address):

Patent- og
Varemærkestyrelsen

Helgeshøj Allé 81
2630 Taastrup

Tlf. : 43 50 80 00
Fax : 43 50 80 01
E-mail : pvs@dkpto.dk
Web : www.dkpto.dk
CVR-nr. : 17 03 94 15

Erhvervs- og
Vækstministeriet

som har opfundet (opfindelsens titel og evt. ansøgnings-/patentnummer):

who has made the invention (title and, if possible, application/patent No.):

overdrager herved ejendomsretten til opfindelsen/patentet til:

does hereby assign all rights to the invention/patent to:

Sted/*Place:*

Dato/*Date of signing:*

Underskrift/*Signature:*