

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)

DPD: Patents Decree (Denmark)

DAD: Board of Appeals Decree (Denmark)

DUL: Utility Models Act (Denmark)

DUD: Utility Models Decree (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 ¹ Under PCT Article 39(1)(b): 31 months from the priority date ²
Translation of international application required into: ³	Danish or English ⁴
Required contents of the translation for entry into the national phase: ³	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?	No, where the international application was filed in a language other than Danish or English Yes, where it was filed in Danish or English ³
National fee:	Currency: Danish krone (DKK) Filing fee: ⁵ 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: ³ DKK 1,100 Annual fees for the first three years: ⁶ DKK 1,500
Exemptions, reductions or refunds of the national fee:	None

[Continued on next page]

¹ Special time limits apply to the following Danish territories: the Faroe Islands and Greenland where the time limit is 20 months from the priority date.

² Special time limits apply to the following Danish territories: the Faroe Islands where the time limit is 20 months from the priority date and Greenland where the time limit is 30 months from the priority date.

³ Where the filing fee has been paid within the time limit applicable under PCT Article 22 or 39(1), the translation or copy may be filed within two months from the expiration of that time limit, provided that the additional fee for late furnishing of the translation or copy is also paid within those two months.

⁴ If protection is sought in the Faroe Islands and/or Greenland, the applicant will have to furnish a translation into Danish.

⁵ Must be paid within the time limit applicable under PCT Article 22 or 39(1).

⁶ 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*):⁷Name and address of the inventor if they have not been furnished in
the “Request” part of the international application⁸

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

⁷ 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.

⁸ 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.

DPD Sec. 8
123

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. For the Danish territories of the Faroe Islands and Greenland, the above-mentioned documents must be in Danish. Other documents and correspondence may be in Danish, English, Norwegian or Swedish. However, the Office may abstain from requiring a translation or may accept a translation into a language other than Danish, English, Norwegian or Swedish of all documents which do not belong to the documents making up the international application (for instance, if the document is in French or German).

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 57 and 58).

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.09.

DPL Sec. 31(1)
31(3)

DK.06 COPY OF INTERNATIONAL APPLICATION FILED IN DANISH. If the international application has been filed in Danish or in English and only in such cases, a copy of the international application in Danish or English is required by the Office within the time limit applicable under PCT Article 22 or 39(1). If that copy has not been furnished by the applicant within that time limit but the national fee indicated in the Summary has been paid within the said time limit, the copy can still be furnished within a further period of two months, provided that the additional fee for late furnishing of the copy, indicated in the Summary, has been paid within those two months.

DPL Sec. 8(4)

DK.07 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.08 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.09 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.10 PUBLICATION FEE.** A publication fee must be paid within two months after the date of the decision to publish (for opposition) the examined patent application. The amount of the fee is indicated in Annex DK.I.
- DPL Sec. 8(5)
40
to 42
- DK.11 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.12 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
DPD Sec. 105
- (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
DPD Sec. 24
to 26
- (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
DPD Sec. 107
DAD Sec. 7
- DK.13 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in National Phase, paragraphs 63 to 66. 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.14 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to National Phase, paragraphs 67 to 71.
- DPL Sec. 72
73
- DK.15** 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.16 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 Decree. 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 DK.17 **UTILITY MODEL.** If the applicant wishes to obtain utility model registration in Denmark on the basis of an international application
- PCT Rule 49*bis*.1
(a), (b)
76.5 (i) instead of a patent, or
- DUL Sec. 17 (ii) in addition to a patent,
- DUD Sec. 1 subject to what is said in paragraph DK.20, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.
- DUL Part III
DUD Parts X and XI DK.18 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.19 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. 6 DK.20 A utility model application concerning the subject matter of an earlier national, international or converted European patent application for Denmark filed after 1 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.
- DUD Sec. 13
14

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:	
— basic fee	2,850
— additional fee for each commenced sheet in excess of 35	80
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
Fee for request for deletion	2,000
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



**Patent- og
Varemærkestyrelsen**
Erhvervsministeriet

Helgeshøj Allé 81
2830 Taastrup

Tlf. 43 50 80 00

Fax 43 50 80 01

Postgiro 8 989 923

E-post pvs@dkpto.dk

www.dkpto.dk

Læs venligst vejledningen til de enkelte punkter

2. Ansøgers fuldmægtigs referencenr.:

3. International indleveringsdag:

Kapitel I

Internationalt ansøgningsnr.:

Kapitel II

4. Ansøger (fulde navn, adresse og evt. CVR-nr.):

Flere ansøgere på bagsiden

Telefon:

Telefax:

5. Fuldmægtig (navn og adresse):

Telefon:

Telefax:

6. Opfinder (fornavn, efternavn, adresse):

6a. Opfinder (fornavn, efternavn, adresse):

Flere opfindere på bagsiden

7. Opfindelsens benævnelse:

8. Prioritetspåstand(e):

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.

Stamansøgnings nr.:

Ansøgt løbedag:

13. Ansøgningen er tidligere indleveret pr. telefax den:

14. Dato og underskrift:

1. Gebyrer:

Ansøgningsgebyr

Kravgebyr

ITS-nyhedsundersøgelsesgebyr

12. Bilagsfortegnelse:

fremmedsproget beskrivelse

dansk beskrivelse i 1 ekspl.

sammendrag i 1 ekspl.

tegninger i 1 ekspl.

prioritetsdokument

fuldmagt

overdragelsesdokument

Fig nr. _____ ønskes publiceret sammen med sammendraget.

15. Behandling af fremmedsproget ansøgning m.m. ønskes

norsk

svensk

engelsk

Fuldmagt/Power of Attorney

Patent



**Patent- og
Varemærkestyrelsen**
Erhvervsministeriet

Helgeshøj Allé 81
2630 Taastrup

Tlf. 43 50 80 00

Fax 43 50 80 01

Postgiro 8 989 923

E-post pvs@dkpto.dk

www.dkpto.dk

Undertegnede (navn og adresse):

The undersigned (name and address):

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

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

bemyndiger herved (navn og adresse):

does hereby authorize (name and address):

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



**Patent- og
Varemærkestyrelsen**
Erhvervsministeriet

Helgeshøj Allé 81
2630 Taastrup

Tlf. 43 50 80 00
Fax 43 50 80 01
Postgiro 8 989 923
E-post pvs@dkpto.dk
www.dkpto.dk

Undertegnede (navn og adresse):

The undersigned (name and address):

som har opfundet (opfindelsens benævnelse 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:

Underskrift/Signature: