

STATE INTELLECTUAL PROPERTY OFFICE (CROATIA) AS DESIGNATED (OR ELECTED) OFFICE

CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

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List of abbreviations:

Office: State Intellectual Property Office (Croatia)

PL: Patent Law 2003 amended in 2005, 2007, 2009, 2010, 2011 and 2013

PReg: Patent Regulations 2007, amended in 2011, 2012 and 2013

SUMMARY**Designated
(or elected) Office****SUMMARY****HR STATE INTELLECTUAL PROPERTY OFFICE HR
(CROATIA)****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	Croatian															
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, as amended only, 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, only as amended by the annexes to the international preliminary examination report)															
Is a copy of the international application required?	No															
National fee: ¹	Currency: Croatian kuna (HRK) <table border="1"> <thead> <tr> <th></th> <th><i>Patent</i></th> <th><i>Consensual Patent</i></th> </tr> </thead> <tbody> <tr> <td>Filing fee:</td> <td></td> <td></td> </tr> <tr> <td>— up to 30 sheets and 10 claims</td> <td>HRK 1,300</td> <td>HRK 1,300</td> </tr> <tr> <td>— for each additional sheet</td> <td>HRK 5</td> <td>HRK 5</td> </tr> <tr> <td>— for each additional claim</td> <td>HRK 10</td> <td>HRK 10</td> </tr> </tbody> </table>		<i>Patent</i>	<i>Consensual Patent</i>	Filing fee:			— up to 30 sheets and 10 claims	HRK 1,300	HRK 1,300	— for each additional sheet	HRK 5	HRK 5	— for each additional claim	HRK 10	HRK 10
	<i>Patent</i>	<i>Consensual Patent</i>														
Filing fee:																
— up to 30 sheets and 10 claims	HRK 1,300	HRK 1,300														
— for each additional sheet	HRK 5	HRK 5														
— for each additional claim	HRK 10	HRK 10														
Exemptions, reductions or refunds of the national fee:	Filing fee, examination fee, publication and maintenance fees are reduced by 50% where the applicant is also the inventor The filing fee is reduced by 50% if the application is filed by electronic means; the same reduction applies where the text of the patent application filed on paper has been furnished additionally on an electronic carrier (e.g. CD-ROM, DVD)															
Special requirements of the Office (PCT Rule 51 <i>bis</i>): ²	Appointment of an agent if the applicant is not resident in Croatia Instrument of assignment of the international application if the applicant has changed after the international filing date and the change has not been reflected in a notification from the International Bureau (Form PCT/IB/306) Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau (Form PCT/IB/306)															

[Continued on next page]

¹ Must be furnished or 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 of two months from the date of the invitation.

SUMMARY**Designated
(or elected) Office****SUMMARY****HR STATE INTELLECTUAL PROPERTY OFFICE HR
(CROATIA)***[Continued]*

Who can act as agent?

1. any natural person who is a citizen of the Republic of Croatia or a citizen of a Contracting State of the Agreement on the European Economic Area (hereinafter: the EEA), having permanent residence in the Republic of Croatia or in a Contracting State of the EEA, holding a university degree in technical or natural sciences and having passed the professional examination for patent representative before the Office,³

2. any natural person who is a citizen of the Republic of Croatia or a citizen of a Contracting State of the EEA, having permanent residence in the Republic of Croatia or in a Contracting State of the EEA, holding a university degree in an area other than technical or natural sciences, having at least five years of working experience in jobs relating to the acquisition and maintenance of industrial property rights, obtained after completing the studies and having passed the professional examination for patent representative before the Office,³

3. an attorney entered in the Register of Attorneys maintained by the Croatian Bar Association who passed the professional examination for patent representative before the Office, or a law firm employing such an attorney or cooperating with him pursuant to some other contractual relationship,

4. any legal person with a registered office in the Republic of Croatia or in a Contracting State of the EEA, employing at least one person meeting the conditions referred to in point 1 or 2 of this paragraph or cooperating with such person pursuant to some other contractual relationship and performing the activities of representation before the Office as its registered activity.³

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

³ A list of patent representatives is available on the website of the Office at: www.dziv.hr/en/representation-before-sipo/patent-representatives/

THE PROCEDURE IN THE NATIONAL PHASE

- HR.01 **FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a special form for entering the national phase (see Annex HR.II). This form should preferably (but need not) be used.
- PL Art. 19 HR.02 **LANGUAGE OF PROCEEDINGS.** The language of proceedings is Croatian.
- HR.03 **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).
- HR.04 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex HR.I.
- PL Art. 4 HR.05 **APPOINTMENT OF AGENT.** An agent must be appointed by filing a power of attorney if the applicant is not a resident in Croatia. A foreign legal or natural person may however, without a representative, file a patent application, perform other acts relating to the establishment of the filing date of a patent application, file true copies of the first patent application (when claiming a priority right), receive notifications relating to the above mentioned procedures and pay the administrative fees and procedural charges. In these cases, a foreign legal or natural person shall communicate to the Office the address for correspondence, which shall be in the territory of Croatia.
- PL Art. 74 HR.06 **ANNUAL FEES.** Annual fees shall be paid to the Office from the third anniversary of the international filing date. A period of grace of six months shall be allowed for the late payment of the annual fee on payment of the prescribed surcharge. The amounts of the annual fees and the surcharge are indicated in Annex HR.I.
- PL Art. 36
PReg. 23 HR.07 **EXAMINATION.** The applicant may, within six months from the date of publication of the patent application in the Official Gazette of the Office, file a request for the grant of a patent on the basis of substantive examination of the patent application, or a request for the grant of a patent without substantive examination of the patent application (a consensual patent).
- HR.08 During the substantive examination procedure, novelty, inventive step and industrial applicability are examined.
- PCT Art. 28
41
PL Art. 33 HR.09 **AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may, at any time before a patent is granted, make amendments to his application, provided that the amendment does not go beyond the disclosure in the initial application.
- PCT Art. 25
PCT Rules 51
82^{ter}
PL Art. 15.2 HR.10 **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 one month from the date of receipt of the decision. Within the same one-month time limit, a fee for appeal must be paid. The Board of Appeal will then decide on the appeal.
- PCT Art. 24(2)
48(2)
PCT Rules 49.6
82^{bis} HR.11 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

- PL Art. 57
PReg. 40
- HR.12 Reinstatement of rights may be requested where the applicant, in spite of all due care required by the circumstances, failed to observe a time limit set by the Office, which is prejudicial to his rights. A request for reinstatement must be presented in writing within three months after the removal of the cause of the failure to observe the time limit and if the applicant has later learned of this failure, counting from the day he learned of it, but not later than one year from the expiration of the time limit which has not been observed. Within the said three months, the omitted action must be completed, the fee for reinstatement of rights (see Annex HR.I) must be paid and the request must set out the facts on which it relies.
- PL Art. 57.a
- HR.13 Continued processing may be requested where the applicant failed to observe a time limit fixed by the Office and that failure directly causes a loss of rights conferred by a patent application or a patent. Continued processing may not be requested for certain time limits set out in PL Art. 57.a. The request for continued processing must be filed within two months from the day on which the applicant learned of the legal consequences. The Office shall authorize continued processing if the applicant files a request, performs all the omitted acts within the time limit, and pays the prescribed fee.
- PL Art. 41 to 46
70
PReg. 24 and 25
- HR.14 **CONSENSUAL PATENT.** A consensual patent shall be granted in respect of an application the subject matter of which is considered to be an invention, which is not excluded from patentability and is industrially applicable. Within six months after publication of the request to grant a consensual patent, anyone may file an opposition to the grant or a request for substantive examination. If an opposition procedure is initiated, the applicant is required to request substantive examination. Otherwise, the application will be rejected. If there is no opposition, the patent can be granted. The term of protection of a consensual patent is 10 years from the filing date of the application.
- Preg. 36
- HR.15 **RECORDING OF CHANGES.** A request for the recording of changes shall be filed on Form P-2 (see Annex HR.III).

FEES**(Currency: Croatian kuna)**

	<i>Patent</i>	<i>Consensual Patent</i>
Filing fee:		
— up to 30 sheets and 10 claims	1,300	1,300
— for each additional sheet	5	5
— for each additional claim	10	10
Application filed in electronic format		50% of the applicable fee
Fee for requesting examination:		
(i) on the basis of the request for substantive examination	4,000	—
(ii) where no substantive examination has been requested (consensual patent)	—	1,060
Fee for reinstatement of rights	350	350
Publication of a request for the grant of a consensual patent.	—	120
Publication fee	160	160
For issuing patent specification – for each page.	25	25
Maintenance fees:		
— for the 3 rd year	320	320
— for the 4 th year	360	360
— for the 5 th year	420	420
— for the 6 th year	500	500
— for the 7 th year	620	620
— for the 8 th year	740	740
— for the 9 th year	920	920
— for the 10 th year	1,200	1,200
— for the 11 th year	1,700	—
— for the 12 th year	1,800	—
— for the 13 th year	2,000	—
— for the 14 th year	2,100	—
— for the 15 th year	2,300	—
— for the 16 th year	2,900	—
— for the 17 th year	3,500	—
— for the 18 th year	4,600	—
— for the 19 th year	5,800	—
— for the 20 th year	6,900	—
Surcharge for late payment of the annual fee		100% of the applicable annual fee
Fee for restoration of the right of priority	300	300

How can payment of fees be effected?

The payment of the fees has to be effected in Croatian kuna. Payment may be effected by transfer to the following bank:

Bank name and address:	Croatian National Bank, Trg hrvatskih velikana 3, 10000 Zagreb, Croatia
Account holder name and address:	Ministry of Finance of the Republic of Croatia, Katanciceva 5, 10000 Zagreb, Croatia
Account name:	State Budget of the Republic of Croatia
Account number / IBAN:	HR12 1001 0051 8630 0016 0
BIC/SWIFT Code:	NBHRHR2XXXX

All payments should include the complete application number, the name of the applicant and the category of fee being paid (remarks field).

Payments relating to Renewal fees for European patents must include the following details: MODEL: HR63; PNB: 5657-6179-140007 (in the remarks field).

DRŽAVNI ZAVOD ZA INTELEKTUALNO
VLASNIŠTVO REPUBLIKE HRVATSKE
Ulica grada Vukovara 78
10000 ZAGREB

Obrazac P-1, stranica 1

ZAHTJEV ZA PRIZNANJE PATENTA
(popuniti čitko tiskanim slovima)

Rubrike 1-3 popunjava Zavod

21	BROJ PRIJAVE	1	Klasa, urudžbeni broj, datum zaprimanja	3
22	DATUM PODNOŠENJA PRIJAVE	2		

OVIME SE ZAHTIJEVA PRIZNANJE PATENTA

Rubrike 4-18 popunjava podnositelj prijave

54	NAZIV IZUMA			4
71	PODNOŠITELJ PRIJAVE <i>Osobni identifikacijski broj (OIB)*</i> <i>Prezime i ime (za fizičke osobe)</i> <i>Tvrtka (za pravne osobe)</i> <i>Ulica i broj</i> <i>Poštanski broj i mjesto / Država</i> <i>Telefon, Telefaks</i> <i>E-pošta</i>			5
	IZJAVA O ZAJEDNIČKOM PREDSTAVNIKU	<input type="checkbox"/>	Upisati znak "x" ako postoji više podnositelja, a pisamu izjavu o zajedničkom predstavniku dati u prilogu	6
	PODACI O OSTALIM PODNOŠITELJIMA	<input type="checkbox"/>	Upisati znak "x" ako postoji više podnositelja; podatke dati na posebnom listu u prilogu	7
72	IZUMITELJ <i>Osobni identifikacijski broj (OIB)*</i> <i>Prezime i ime</i> <i>Ulica i broj</i> <i>Poštanski broj i mjesto / Država</i> <i>Telefon, Telefaks</i> <i>E-pošta</i>			8
	IZUMITELJ NE ŽELI BITI NAVEDEN U PRIJAVI	<input type="checkbox"/>	Upisati znak "x" ako izumitelj ne želi biti naveden u prijavi	9
	IZUMITELJ JE UJEDNO I PODNOŠITELJ PRIJAVE	<input type="checkbox"/>	Upisati znak "x" ako je izumitelj ujedno i podnositelj prijave	10
	PODACI O OSTALIM IZUMITELJIMA	<input type="checkbox"/>	Upisati znak "x" ako postoji više izumitelja; podatke dati na posebnom listu u prilogu	11
74	ZASTUPNIK <i>Osobni identifikacijski broj (OIB)*</i> <i>Prezime i ime (za fizičke osobe)</i> <i>Tvrtka (za pravne osobe)</i> <i>Broj iz registra DZIV-a</i> <i>Ulica i broj</i> <i>Poštanski broj i mjesto / Država</i> <i>Telefon, Telefaks</i> <i>E-pošta</i>			12
	PODACI O OSTALIM ZASTUPNICIMA	<input type="checkbox"/>	Upisati znak "x" ako postoji više zastupnika,; podatke dati na posebnom listu u prilogu	13

* Na temelju članka 6. Zakona o osobnom identifikacijskom broju („NN“ 60/08) obveznici broja obvezni su od 1.1.2010. koristiti dodijeljeni im OIB na svim prijavama i ostalim podnescima kojima komuniciraju s korisnicima broja (Zavodom).

30	ZAHITJEV ZA PRIZNANJE PRAVA PRVENSTVA	Datum podnošenja prve prijave	Broj prve prijave	Država, odnosno regionalna ili međunarodna prijava	14
		(1)			
		(2)			
		(3)			
23	IZUM IZLOŽEN NA MEĐUNARODNOJ IZLOŽBI	Izum je izložen na službenoj ili službeno priznatoj izložbi međunarodnog karaktera <input type="checkbox"/> DA <input type="checkbox"/> NE			15
62	IZDVAJANJE IZ PRVOBITNE PRIJAVE	Upisati P-broj i datum prvobitne prijave iz koje je prijava izdvojena			16
ADRESA ZA DOPISIVANJE Ova osoba ujedno je i: PODNOŠITELJ PRIJAVE <input type="checkbox"/> ZASTUPNIK <input type="checkbox"/> ZAJEDNIČKI PREDSTAVNIK <input type="checkbox"/> IZUMITELJ <input type="checkbox"/>		Naziv, OIB *, ulica i broj, (pravne osobe sjedište) poštanski broj i mjesto, država, telefon, Telefaks, E-pošta:			17
KONTROLNI POPIS					18
Prijava sadržava sljedeći broj stranica: 1. Zahtjev za priznanje patenta: 2. Opis izuma: 3. Patentni zahtjev(i): 4. Sažetak: 5. Crtež(i) : 6. Popis nukleotidnih i/ili aminokiselinskih odsječaka: Ukupan broj stranica: _____ Broj patentnih zahtjeva: _____ Broj crteža: _____		Uz prijavu su priloženi sljedeći prilozi: 1. Ovjereni prijepis prve prijave <input type="checkbox"/> 2. Punomoć <input type="checkbox"/> Generalna punomoć 3. Izjava o zajedničkom predstavniku <input type="checkbox"/> 4. Potvrda o izlaganju na međunarodnoj izložbi <input type="checkbox"/> 5. Izjava izumitelja u slučaju kad ne želi biti naveden u prijavi <input type="checkbox"/> 6. Dokaz o pohranjenom uzorku živog biološkog materijala <input type="checkbox"/> 7. Popis nukleotidnih i/ili aminokiselinskih odsječaka u elektronički čitljivom obliku <input type="checkbox"/> 8. Dokaz o uplaćenju pristojbi i troškovima postupka ili, <input type="checkbox"/> Zahtjev za oslobođenje od plaćanja, odnosno, <input type="checkbox"/> dokaz o njegovoj osnovanosti <input type="checkbox"/> 9. Istovjetan tekst prijave u elektroničkom obliku <input type="checkbox"/> 10. Ostalo (navesti) <input type="checkbox"/>			
Potpis ili pečat podnosioca prijave odnosno potpis ili pečat zastupnika					
Potpis i pečat Državnog zavoda za intelektualno vlasništvo					

* Na temelju članka 6. Zakona o osobnom identifikacijskom broju („NN“ 60/08) obveznici broja obvezni su od 1.1.2010. koristiti dodijeljeni im OIB na svim prijavama i ostalim podnescima kojima komuniciraju s korisnicima broja (Zavodom).

Obrazac P-1, Dodatni list 1

ZAHTJEV ZA PRIZNANJE PATENTA

BROJ PRIJAVE

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PODACI O OSTALIM PODNOSITELJIMA PRIJAVE

71 PODNOSITELJ PRIJAVE <i>Osobni identifikacijski broj (OIB)*</i> <i>Prezime i ime (za fizičke osobe)</i> <i>Tvrtka (za pravne osobe)</i> <i>Ulica i broj</i> <i>Poštanski broj i mjesto / Država</i> <i>Telefon, Telefaks</i> <i>E-pošta</i>	
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ZAHTEJ ZA PRIZNANJE PATENTA**BROJ PRIJAVE**

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PODACI O OSTALIM IZUMITELJIMA PRIJAVE

72 IZUMITELJ <i>Osobni identifikacijski broj (OIB)*</i> <i>Prezime i ime</i> <i>Ulica i broj</i> <i>Poštanski broj i mjesto / Država</i> <i>Telefon, Telefaks</i> <i>E-pošta</i>	
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* Na temelju članka 6. Zakona o osobnom identifikacijskom broju („NN“ 60/08) obveznici broja obvezni su od 1.1.2010. koristiti dodijeljeni im OIB na svim prijavama i ostalim podnescima kojima komuniciraju s korisnicima broja (Zavodom).

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VLASNIŠTVO REPUBLIKE HRVATSKE
Ulica grada Vukovara 78
10000 ZAGREB

Obrazac P-2, stranica 1

ZAHTJEV ZA UPIS PROMJENE U REGISTRE

(popuniti čitko tiskanim slovima)

Rubriku 1 popunjava Zavod

Klasa, urudžbeni broj, datum zaprimanja zahtjeva:	1
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OVIME SE ZAHTJEVA UPIS PROMJENE U REGISTAR

Rubrike 2-9 popunjava podnositelj zahtjeva:

BRJOD PRIJAVE / PATENTA		2
Daljnja prijava(e) i/ili patent(i) navedeni su u prilogu na posebnom listu broj ____		
PODNOŠITELJ ZAHTJEVA <i>Osobni identifikacijski broj (OIB)*</i> <i>Prezime, ime (za fizičke osobe)</i> <i>Tvrtka (za pravne osobe)</i> <i>Ulica i broj</i> <i>Pošanski broj i mjesto / Država</i> <i>Telefon, Telefaks</i> <i>E-pošta</i>		3
PODNOŠITELJ PRIJAVE /NOSITELJ PATENTA <i>Osobni identifikacijski broj (OIB)*</i> <i>Prezime, ime (za fizičke osobe)</i> <i>Tvrtka (za pravne osobe)</i> <i>Ulica i broj</i> <i>Pošanski broj i mjesto / Država</i> <i>Telefon, Telefaks</i> <i>E-pošta</i>		4
VRSTA PROMJENE		5
<i>PODACI KOJE TREBA PROMIJENITI</i>		6
<i>PROMIJENJENI PODACI KOJI SE UPISUJU U REGISTAR</i>		7

* Na temelju članka 6. Zakona o osobnom identifikacijskom broju („NN“ 60/08) obveznici broja obvezni su od 1.1.2010. koristiti dodijeljeni im OIB na svim prijavama i ostalim podnescima kojima komuniciraju s korisnicima broja (Zavodom).

ZASTUPNIK <i>Osobni identifikacijski broj (OIB)*</i> <i>Prezime i ime (za fizičke osobe)</i> <i>Tvrtka (za pravne osobe)</i> <i>Broj iz registra DZIV-a</i> <i>Ulica i broj</i> <i>Poštanski broj i mjesto / Država</i> <i>Telefon, Telefaks</i> <i>E-pošta</i>		8
Daljnji zastupnik(ci) navedeni su u prilogu na posebnom listu broj ____		
PRILOZI UZ ZAHTJEV:		9
<input type="checkbox"/> <i>Dokaz o pravnoj osnovi promjene za koju se upis u registar traži</i> <input type="checkbox"/> <i>Punomoć</i> <input type="checkbox"/> <i>Dokaz o uplaćenju upravnoj pristojbi</i> <input type="checkbox"/> <i>Dokaz o naknadi troškova provođenja upravnog postupka</i> <input type="checkbox"/> <i>Ovaj zahtjev sadržava 2 stranice i ____ stranicu(e) priloga uz zahtjev</i>		

<i>Potpis ili pečat podnositelja prijave odnosno potpis ili pečat zastupnika</i>
<i>Potpis i pečat Državnog zavoda za intelektualno vlasništvo</i>

* Na temelju članka 6. Zakona o osobnom identifikacijskom broju („NN“ 60/08) obveznici broja obvezni su od 1.1.2010. koristiti dodijeljeni im OIB na svim prijavama i ostalim podnescima kojima komuniciraju s korisnicima broja (Zavodom).