

STATE INTELLECTUAL PROPERTY OFFICE (CROATIA)

AS
DESIGNATED (OR ELECTED) OFFICE

CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

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List of abbreviations:

Office: State Intellectual Property Office (Croatia)

PL: Patent Law 2004, amended in 2005

PReg: Patent Regulations, 2004

LAD: Law on Administrative Disputes, 1992

SUMMARY**Designated
(or elected) Office****SUMMARY****HR STATE INTELLECTUAL PROPERTY OFFICE HR
(CROATIA)****Summary of requirements for entry into the national phase****If grant of a national patent by the State Intellectual Property Office (Croatia) is desired:**

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="0" style="margin-left: 20px;"> <thead> <tr> <th></th> <th style="text-align: center;"><i>Patent</i></th> <th style="text-align: center;"><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 style="text-align: right;">HRK 1,300</td> <td style="text-align: right;">HRK 1,300</td> </tr> <tr> <td>— for each additional sheet</td> <td style="text-align: right;">HRK 5</td> <td style="text-align: right;">HRK 5</td> </tr> <tr> <td>— for each additional claim</td> <td style="text-align: right;">HRK 10</td> <td style="text-align: right;">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:	No filing fee is payable if the applicant in the international application claims priority from an earlier national application that was filed with the State Intellectual Property Office (Croatia) Filing fee, examination fee, publication and maintenance fees are reduced by 75% where the applicant is also the inventor The filing fee is reduced by 50% if the application is furnished in paper form as well as in electronic form															

[Continued on next page]

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

SUMMARY**Designated
(or elected) Office****SUMMARY****HR STATE INTELLECTUAL PROPERTY OFFICE HR
(CROATIA)***[Continued]*Special requirements of the Office
(PCT Rule 51*bis*):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)

Who can act as agent?

Any person registered to practice before the Office as patent agent or attorney-at-law

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

If extension of a European patent³ is desired: See European Patent Organisation (EP) in Annex B2, Summary (EP) and national chapters EP and HR

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.

³ For international applications filed before 1 January 2008.

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 paragraphs 57 and 58 of the General Part of this Volume).

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.** If an agent is appointed it must be by filing a power of attorney if the applicant is not a resident in Croatia. A foreign legal or natural person may individually, 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 to 40
PReg. 21 **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, a request for the grant of a patent on the basis of the submitted results of a 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.

HR.09 A request for the grant of a patent, accepting the results of a substantive examination may be filed only where a patent application for the same invention has been previously filed with one or more patent offices. Those offices may be national or regional offices, which, by virtue of Article 32 of the Patent Cooperation Treaty, have the status of an International Preliminary Examining Authority or offices with which the Office has signed a cooperation agreement. The applicant must furnish the examination report prepared by one of the relevant offices within five years from the date of filing of the application with such Office.

PCT Art. 28
41
PL Art. 33 **HR.10 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 LAD Art. 2	<p>HR.11 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, an administrative law suit may be filed with the Administrative Court of Croatia in accordance with the Law on Administrative Disputes.</p>
PCT Art. 24(2) 48(2) PCT Rules 49.6 82 ^{bis}	<p>HR.12 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Reference is made to paragraphs 67 to 71 of the General Part of this Volume.</p>
PL Art. 57 PReg. 34	<p>HR.13 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.</p>
PL Art. 57.a	<p>HR.14 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.</p>
PL Art. 41 to 46 70 PReg. 22 and 23	<p>HR.15 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.</p>
PReg. 32	<p>HR.16 RECORDING OF CHANGES. A request for the recording of changes shall be filed on Form P-2 (see Annex HR.III).</p>

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) on the basis of the submitted results of the substantive examination	2,080	—
(iii) 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	150	150

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:

PRIVREDNA BANKA d.d. ZAGREB
Račkoga 6
HR-10000 Zagreb
Bank account No. 702000-978-91828-132344-331
BIC/SWIFT Code: PBZGHR2X

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 ZAHTJEVA PRIZNANJE PATENTA

Rubrike 4-18 popunjava podnositelj prijave

54	NAZIV IZUMA			4
71	PODNOŠITELJ PRIJAVE <i>Prezime i ime (za fizičke osobe)</i> <i>Tvrtka (za pravne osobe)</i> <i>Ulica i broj</i> <i>Pošanski broj i mjesto</i> <i>Država</i> <i>Telefon, Telefax</i> <i>E-mail</i>			5
	IZJAVA O ZAJEDNIČKOM PREDSTAVNIKU	<input type="checkbox"/>	Upisati znak "x" ako postoji više podnositelja, a pisanu 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>Prezime i ime</i> <i>Ulica i broj</i> <i>Pošanski broj i mjesto</i> <i>Država</i> <i>Telefon, Telefax</i> <i>E-mail</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>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>Pošanski broj i mjesto</i> <i>Država</i> <i>Telefon, Telefax</i> <i>E-mail</i>			12
	PODACI O OSTALIM ZASTUPNICIMA	<input type="checkbox"/>	Upisati znak "x" ako postoji više zastupnika; podatke dati na posebnom listu u prilogu	13

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

Obrazac P-1, Dodatni list 1

ZAHTEJEV ZA PRIZNANJE PATENTA**BROJ PRIJAVE**

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PODACI O OSTALIM PODNOSITELJIMA PRIJAVE

71 PODNOŠITELJ PRIJAVE <i>Prezime i ime (za fizičke osobe)</i> <i>Tvrtka (za pravne osobe)</i> <i>Ulica i broj</i> <i>Poštanski broj i mjesto</i> <i>Država</i> <i>Telefon, Telefax</i> <i>E-mail</i>	
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71 PODNOŠITELJ PRIJAVE <i>Prezime i ime (za fizičke osobe)</i> <i>Tvrtka (za pravne osobe)</i> <i>Ulica i broj</i> <i>Poštanski broj i mjesto</i> <i>Država</i> <i>Telefon, Telefax</i> <i>E-mail</i>	
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71 PODNOŠITELJ PRIJAVE <i>Prezime i ime (za fizičke osobe)</i> <i>Tvrtka (za pravne osobe)</i> <i>Ulica i broj</i> <i>Poštanski broj i mjesto</i> <i>Država</i> <i>Telefon, Telefax</i> <i>E-mail</i>	
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71 PODNOŠITELJ PRIJAVE <i>Prezime i ime (za fizičke osobe)</i> <i>Tvrtka (za pravne osobe)</i> <i>Ulica i broj</i> <i>Poštanski broj i mjesto</i> <i>Država</i> <i>Telefon, Telefax</i> <i>E-mail</i>	
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ZAHTJEV ZA PRIZNANJE PATENTA**BROJ PRIJAVE**

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PODACI O OSTALIM IZUMITELJIMA PRIJAVE

72 IZUMITELJ <i>Prezime i ime</i> <i>Ulica i broj</i> <i>Poštanski broj i mjesto</i> <i>Država</i> <i>Telefon,Telefax</i> <i>E-mail</i>	
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72 IZUMITELJ <i>Prezime i ime</i> <i>Ulica i broj</i> <i>Poštanski broj i mjesto</i> <i>Država</i> <i>Telefon,Telefax</i> <i>E-mail</i>	
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72 IZUMITELJ <i>Prezime i ime</i> <i>Ulica i broj</i> <i>Poštanski broj i mjesto</i> <i>Država</i> <i>Telefon,Telefax</i> <i>E-mail</i>	
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DRŽAVNI ZAVOD ZA INTELEKTUALNO
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

<i>Klasa, urudžbeni broj, datum zaprimanja zahtjeva:</i>	1
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OVIME SE ZAHTIJEVA UPIS PROMJENE U REGISTAR

Rubrike 2-10 popunjava podnositelj zahtjeva:

BROJ PRIJAVE PATENTA		2
BROJ PATENTA		3
PODNOŠITELJ ZAHTJEVA <i>Prezime, ime (za fizičke osobe)</i> <i>Tvrtka (za pravne osobe)</i> <i>Ulica i broj</i> <i>Poštanski broj mjesto</i> <i>Država</i> <i>Telefon i telefaks</i> <i>E-mail</i>		4
PODNOŠITELJ PRIJAVE /NOSITELJ PATENTA <i>Prezime, ime (za fizičke osobe)</i> <i>Tvrtka (za pravne osobe)</i> <i>Ulica i broj</i> <i>Poštanski broj</i> <i>Država</i> <i>Telefon i telefaks</i> <i>E-mail</i>		5
VRSTA PROMJENE		6
<i>PODACI KOJE TREBA PROMIJENITI</i>		7
<i>PROMIJENJENI PODACI KOJI SE UPISUJU U REGISTAR</i>		8

ZASTUPNIK <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</i> <i>Država</i> <i>Telefon, Telefax</i> <i>E-mail</i>		9
PRILOZI UZ ZAHTJEV:		10
<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>