

**HUNGARIAN INTELLECTUAL
PROPERTY OFFICE (HIPO)**
(SZELLEMI TULAJDON NEMZETI HIVATALA)
AS
DESIGNATED (OR ELECTED) OFFICE

CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees	Annex HU.I
Declaration of assignment	Annex HU.II
Power of attorney	Annex HU.III

List of abbreviations:

- Office: Hungarian Intellectual Property Office (HIPO)
- HPL: Hungarian Law on the Protection of Inventions by Patents, Law No. XXXIII of 1995
- HUML: Hungarian Law on Utility Model Protection, Law No. XXXVIII of 1991

SUMMARY**Designated
(or elected) Office****SUMMARY****HU****HUNGARIAN INTELLECTUAL
PROPERTY OFFICE (HIPO)****HU****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	Hungarian
Required contents of the translation for entry into the national phase: ¹	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: ¹	Currency: Hungarian forint (HUF) For patent: — where the Office is a designated Office: HUF 37,400 plus HUF 1,900 per claim for the 11 th to the 20 th claim HUF 3,800 per claim for the 21 st to the 30 th claim HUF 5,600 for each claim in excess of 30 — where the Office is an elected Office: HUF 18,700 plus HUF 950 per claim for the 11 th to the 20 th claim HUF 1,900 per claim for the 21 st to the 30 th claim HUF 2,800 for each claim in excess of 30 For utility model: HUF 18,700 plus HUF 1,200 for each claim in excess of 10
Exemptions, reductions or refunds of the national fee:	None

[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****HU****HUNGARIAN INTELLECTUAL
PROPERTY OFFICE (HIPO)****HU***[Continued]*Special requirements of the Office
(PCT Rule 51*bis*):Name and address of the inventor if they have not been furnished in
the “Request” part of the international application²Declaration of assignment where the applicant is not the inventor³Appointment of an agent if the applicant has neither a residence nor
his principal place of business within the territory of the European
Union or in a State party to the Agreement on the European
Economic Area⁴

Who can act as agent?

Any authorized representative, such as a Hungarian patent attorney
or attorney-at-law or registered European patent attorney⁵Does 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

² This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.³ Even if a corresponding declaration has been made in accordance with PCT Rule 4.17, the Office may nevertheless require further documents or evidence (see *PCT Gazette* No. 05/2001, page 2024).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 The list of registered patent attorneys is available on the website of the Hungarian Chamber of Patent Attorneys (HCPA) at www.szabadalmikamara.hu/Index.aspx?MN=Tagok_MindenTag&LN=English

THE PROCEDURE IN THE NATIONAL PHASE

- HU.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 National Phase, paragraphs 6.002 and 6.003).
- HU.02 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex HU.I.
- HPL Art. 8(1) HU.03 **DECLARATION OF ASSIGNMENT.** For details, see the model of such declaration (not an official form) in Annex HU.II. Legalization is not required. For time limits, see the Summary.
- HPL Art. 51(2) HU.04 **APPOINTMENT OF AGENT.** Foreign applicants (natural persons or legal entities not having permanent residence or domicile in the territory of a Member State of the European Economic Area) shall be represented by an authorized patent attorney or an attorney-at-law in all patent matters before the Office. An agent must be appointed by filing a power of attorney. A model is given in Annex HU.III.
- HPL Art. 84/S (7)-(9) HU.05 **SUPPLEMENTARY HUNGARIAN SEARCH REPORT (IN CASE OF LACK OF UNITY OF INVENTION).** Where a part of the international application was not subjected to international search, the applicant must, within three months from the date of furnishing a Hungarian translation of the international application, pay the additional fee for search (see Annex HU.I); otherwise the parts not searched will be considered withdrawn.
- PCT Art. 7(2)(ii)
HPL Art. 57(2)
57(3)
68
84/Z (1) HU.06 **DRAWINGS ILLUSTRATING THE INVENTION.** Upon special invitation by the Office during patent examination the applicant must furnish drawings illustrating the invention, even where they are not necessary for the understanding of the invention, but the nature of the invention admits of illustration by drawings.
- HPL Art. 70
23 HU.07 **ANNUAL FEES.** The international application is published by the Office as soon as possible following the filing of the Hungarian translation of the international application. By the date of that publication, of which the applicant is informed by the Office, annual fees must be paid for each year which has lapsed since the international filing date. Annual fees for subsequent years must be paid in advance and are due on the anniversary of the international filing date. Payment can still be made within six months from the due date. The amounts of the annual fees are indicated in Annex HU.I.
- PCT Art. 28
41
HPL Art. 72 HU.08 **AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may make amendments to the description, claims and drawings until the day on which the decision on the grant of the patent is delivered. The amendments should not go beyond the content of the application as filed. Any amendment during the national phase is subject to the payment of an amendment fee (see Annex HU.I).
- PCT Art. 25
PCT Rule 51
HPL Art. 84/Z (3) HU.09 **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, a request for rejudgment of that decision may be filed within 30 days from the date of the notification of this decision. The Budapest-Capital Regional Court (Fővárosi Törvényszék) will then decide that request.
- PCT Art. 24(2)
48(2) HU.10 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

- HPL Art. 48 HU.11 Certain time limits are prescribed by the law; these shall not be extended and their non-observance involves legal consequences without notice. Time limits not prescribed by the law are fixed by the Office; these time limits of at least two months, but not more than four months, may be extended by at least two months, but not more than four months upon request and payment of a fee for extension of time limits (see Annex HU.I). Further extensions of the time limit and an extension of more than four months, but not more than six months, may be given only in special cases.
- HPL Art. 49 HU.12 *Restitutio in integrum* may be requested where the applicant has failed to observe a time limit during the international phase or before the Office.
- par. (1) to (3)
HPL Art. 61(2) and (6) A request for *restitutio in integrum* may be submitted within two months of the unobserved date or on the last day of the unobserved time limit, if the failure occurred through no fault of the applicant. The request must indicate the reasons for failing to comply and that the failure was unintentional.
- Where the failure to comply became known to the applicant subsequently or the cause thereof was removed subsequently, the time limit shall be calculated from the date on which the failure to comply became known or the cause thereof was removed. The request for *restitutio in integrum* shall only be admissible within twelve months from the date not complied with or the last day of the time limit not complied with.
- Where a time limit is not complied with, the omitted act must be carried out simultaneously with the filing of the request for *restitutio in integrum*.
- If the Office grants *restitutio in integrum*, the acts carried out by the applicant in default shall be considered to have been performed within the time limit not complied with; a hearing held on the date not complied with shall be repeated where necessary. The decision taken as a result of the failure shall be revoked in whole or in part, modified or maintained as necessary or depending on the outcome of the new hearing.
- Restitutio in integrum* shall be excluded in the event of failing to comply with the following time limits:
- (a) time limits fixed for filing the request for *restitutio in integrum* and the request for continuation of the procedure;
 - (b) time limits fixed for filing and correcting the declaration of priority.
- Restitutio in integrum* shall not be admissible with respect to time limits the consequences of failing to comply with which may be averted by a request for continuation of the procedure.
- HPL Art. 40 Where the patent protection ceased due to failure to pay the annual fee and such failure was caused by a justifiable reason, the patent protection may be restored upon request filed within three months after the expiration of the six-month grace period referred to in paragraph HU.07 and provided that double the annual fee for the year in question is paid.
- HUML Art. 1 HU.13 **UTILITY MODEL.** If the applicant wishes to obtain utility model protection on the basis of an international application—instead of a patent—, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office. The subject of utility model protection can be any solution relating to the configuration or construction of an article or to the arrangement of parts thereof which is new, involves inventive step and is susceptible of industrial application. Utility model protection does not cover processes, chemical compositions, foodstuffs, pharmaceuticals, plant varieties or animal breeds, microorganisms or aesthetic designs of an article.
- PCT Rule 49bis.1 (a), (b) 76.5
- HUML Art. 30 HU.14 **DERIVATION.** The applicant may retain the priority of an international patent application in the national phase if in an additional application for a utility model for the same subject matter (derivation from patent application) he makes a declaration, filed within two months from the date of filing of the utility model application, to this effect, provided that the derived utility model application is filed within the following time limits:

(a) in the course of the patent application procedure up to the date when the decision on the grant of patent becomes final or within three months from the date when the decision rejecting the patent application becomes final, or

(b) within three months from the date when the decision declaring nullity of the patent for lack of novelty or lack of inventive step becomes final.

The application for the derivation of a utility model application is admissible only within 10 years from the filing date of the patent application.

HPL Art. 62

HU.15 The applicant may retain the priority of an earlier filed international utility model application in the national phase if, in an additional patent application for the same subject matter (derivation from utility model application), he makes a declaration, filed within two months from the date of filing of the patent application, to this effect, provided that the patent application is filed within three months from the date when the decision on the grant of utility model protection becomes final, but not later than within 20 years from the filing date of the utility model application.

FEES**(Currency: Hungarian forint)**

National fee for a patent application:

— where the Office is a designated Office	37,400
— plus for each claim from 11 to 20	1,900
— plus for each claim from 21 to 30	3,800
— plus for each claim in excess of 30	5,600
— where the Office is an elected Office	18,700
— plus for each claim from 11 to 20	950
— plus for each claim from 21 to 30	1,900
— plus for each claim in excess of 30	2,800

National fee for a utility model application	18,700
— plus for each claim in excess of 10	1,200

Additional fee for late furnishing of the translation of the international application and/or late payment of the national fee	58,700
---	--------

Fee for a request for reestablishment of rights where the effect of an international patent application has ceased	117,700
	in addition to the national fee

Fees in the national procedure:

— examination fee ¹	63,800
— fee for grant and printing fee ¹ (including six pages)	35,200
— for each page of the specification and drawings in excess of six ¹	3,500
— fee for grant and printing fee where the application contains disclosure of one or more nucleotide or amino acid sequences only on electronic medium	117,700

Amendment fee:

— for the first request	5,300
— for the second request	9,350
— for further requests	17,600
— plus for each claim from 11 to 20	1,900
— plus for each claim from 21 to 30	3,800
— plus for each claim in excess of 30	5,600

Fee for extension of time limits :

— for the first extension	5,300
— for the second extension	9,350
— for further extensions	17,600

National additional fee where certain parts of the international application have not been searched	half the amount of the national fee where the Office is a designated Office
--	--

¹ Where the applicant is exclusively the inventor on the date of payment of the fee, one fourth of the amount of fee must be paid, if no priority of a foreign application was claimed in respect of the application.

Annual fee for a patent: ²	
— for the first to the 3 rd year, per year	17,600
— for the 4 th year, per year	88,000
— for the 5 th year, per year	110,000
— for the 6 th to the 12 th year, per year	148,500
— for the 13 th to the 16 th year, per year	154,000
— for the 17 th to the 18 th year, per year	159,500
— for the 19 th to the 20 th year, per year	165,000
Annual fee for a utility model: ²	
— for the first to the 5 th year, per year	21,400
— for the 6 th to the 10 th year, per year	32,000

The annual fee for a utility model for the first year is increased by HUF 3,500 for each page in excess of 6 pages of the description and of the drawings.

Time of payment of the annual fees:

The first annual fee is due on the filing date, fees for the subsequent years are due on the anniversary of that date.

There is a six-month grace period for the payment of all annual fees and the earliest date for effecting payment is two months preceding the starting date of the grace period. Fees which become due before publication can be paid within a six-month grace period counted from the publication date.

Surcharge for payment during the grace period:

— during the first three months	none
— during the 4 th to the 6 th month	50% of the annual fee

Fee for a request for restoration of patent protection

ceased due to failure to pay the annual fee	twice the annual fee for the year in question
---	--

How can payment of fees be effected?

All fees must be paid to the account of the Hungarian Intellectual Property Office (HIPO) with the indication of the data enabling identification of the case (file number or registration number). If the applicant is not resident in Hungary or in one of the member States of the European Union, he can validly effect payments exclusively through his agent—patent attorney or attorney-at-law—domiciled in Hungary.

² Where the holder of the right is exclusively the inventor on the date of payment of the fee, one half of the fee must be paid, if protection is based on an application in respect of which no priority of a foreign application was claimed.

ÁTRUHÁZÁSI NYILATKOZAT ÜBERTRAGUNGSERKLÄRUNG
DECLARATION OF ASSIGNMENT

Alulírott

Unterzeichneter

Undersigned

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

ezennel kijelenti, hogy a
erklärt hiermit, das/die/ ungarische Patent/Patentanmeldung
hereby declare to transfer the Hungarian Patent/Application/.....
Számú/Nummer/Number)

magyar szabadalmat/bejelentést/minden arra vonatkozó joggal és kötelezettséggel együtt
mit allen Rechten und Verpflichtungen an
and all rights, title and interest attached to it to
.....
.....
.....

részére átruházza.
übertragen zu haben.

Kelt: Aláírás:*
Datum: Unterschrift:
Date: Signature:

Alulírott a fenti átruházást elfogadja.
Die obige Übertragung wird angenommen.
The undersigned declares to be fully satisfied with the preceding assignment.

Kelt: Aláírás:*
Datum: Unterschrift:
Date: Signature:

* hitelesítést nem igényel
keine Beglaubigung
no legalization



Szellemi Tulajdon
Nemzeti Hivatala
1081 Budapest, II. János Pál pápa tér 7.

L13

Egyedi meghatalmazás / Individual Authorisation

Alulírott / I (We)

Név / Name

Cím / Address

Ország / country:		Írányítószám / Postal code:	
Fax szám / Telefax number:		Telefonszám / Telephone number:	
E-mail cím / E-mail address:			

Levelezési cím (amennyiben eltér a címtől) /
Mailing address (in case it differs from the address)

Ország / Country:		Írányítószám / Postal code:	
-------------------	--	-----------------------------	--

ezennel meghatalmazzuk a / do hereby authorise

Név / Name

Cím / Address

Ország / Country:		Írányítószám / Postal code:	
Fax szám / Telefax number:		Telefonszám / Telephone number:	
E-mail cím / E-mail address:			

Levelezési cím (amennyiben eltér a címtől) /
Mailing address (in case it differs from the address)

Ország / Country:		Írányítószám / Postal code:	
-------------------	--	-----------------------------	--

hogy a következők szerint lásson el képviseletet a Szellemi Tulajdon Nemzeti Hivatala előtt, éljen jogorvoslattal, illetve tegyen jognyilatkozatot vagy egyéb nyilatkozatot / to represent me (us), to seek remedy, to make statements and declarations with or without legal effect before the Hungarian Intellectual Property Office according to the following

a meghatalmazás a megjelölt ügy(ek)el kapcsolatos valamennyi eljárás vitelére, így különösen okirat, pénz és más vagyontárgy átvételére jogosít / This authorisation gives power to the representative to act for me (us) in all proceedings concerning the following cases and to receive payments on my (our) behalf:

a meghatalmazás a megjelölt ügy(ek)el kapcsolatos következő eljárás(ok)ban jogosít fel képviseletre / This authorisation gives power to the representative to act for me (us) in the following type of proceedings, in the cases specified below:

Eljárás megjelölése / Following type of proceedings:

--

Ügyszám / Application number*: Lajstromszám / Registration number:

*Az ügy beazonosításához kérjük feltétlenül adja meg az ügyszámot! / Please specify the application number, it is necessary for the identification of the case!

(ha nincs elég hely, használja a pótlapot és csatolja kérelméhez / If the space is not enough, use a continuation sheet and attach it to the form)

Pótlapok száma / Number of continuation sheets:

Egyéb információ / Other information:

--

Aláírás(ok), dátum, hely / Signature(s), date and place

Aláírás(ok) / Signature(s):

Aláíró(k) neve / Name(s) of the signing person(s):

Aláíró(k) beosztása / Title, position of the signing person(s):

Hely / Place:

Dátum / Date:



1081 Budapest, II. János Pál pápa tér 7.

Nyomtat

L12

Kérjük, hogy az **eredeti példányt** a Szellemi Tulajdon Nemzeti Hivatalának (SZTNH) **Iparjogvédelmi Jogi Osztályára** nyújtsa be / Please forward the **original** directly to the, **Industrial Property Law Section** of the Hungarian Intellectual Property Office (HIPO)

Általános meghatalmazás iktató száma / Filing number of the general authorisation:
(A Szellemi Tulajdon Nemzeti Hivatala tölti ki / Filled by the Hungarian Intellectual Property Office)

Általános meghatalmazás / General Authorisation

Alulírott / I (We)

Név / name:

Cím / Address:

Ország / Country:		Irányítószám / Postal code:	
Fax szám / Telefax number:		Telefonszám / Telephone number:	
E-mail cím / E-mail address:			

Levelezési cím (amennyiben eltér a címtől) /

Mailing address (in case it differs from the address)

Ország / Country:	Irányítószám / Postal code:
-------------------	-----------------------------

ezennel meghatalmazzuk a / do hereby authorise

Név / name:

Cím / Address:

Ország / Country:		Irányítószám / Postal code:	
Fax szám / Telefax number:		Telefonszám / Telephone number:	
E-mail cím / E-mail address:			

Levelezési cím (amennyiben eltér a címtől) /

Mailing address (in case it differs from the address)

Ország / Country:	Irányítószám / Postal code:
-------------------	-----------------------------

hogy a következők szerint lássem el képviselőt a Szellemi Tulajdon Nemzeti Hivatala előtt, éljen jogorvoslattal, illetve tegyen jognyilatkozatot vagy egyéb nyilatkozatot / to represent me (us), to seek remedy, to make statements and declarations with or without legal effect before the Hungarian Intellectual Property Office according to the following:

- általános, valamennyi iparjogvédelmi ügyben történő eljárásra jogosító meghatalmazás / **General authorisation, in all industrial property proceedings**
 általános, valamely ügycsoportban történő eljárásra jogosító meghatalmazás / **general authorisation in the type of proceedings defined below**

Ügycsoport megjelölése / **General authorisation in the following proceedings:**

--

Ezen meghatalmazás feljogosítja a meghatalmazottat minden olyan cselekményre, amely a rábízott ügy ellátásával jár, így különösen okirat, pénz és más vagyontárgy átvételére. / This authorisation gives power to the representative to perform any act necessary to conduct said proceedings, to receive documents, money or other valuables.

Az általános meghatalmazás érint-e valamely korábban az SZTNH-hoz benyújtott más általános meghatalmazást? / Does the general authorisation affect any other general authorisation(s) submitted previously to the HIPO?

- nem / no**
 igen / yes

Amennyiben a fenti kérdésre „igen” a válasza, kérjük részletezze / In case your answer is „yes” please provide details :

--

Egyéb információ / Other information:

Aláírás(ok), dátum, hely / **Signature(s), date and place**

Aláírás(ok) / **Signature(s):**

Aláíró(k) neve / **Name(s) of the signing person(s):**

Aláíró(k) beosztása / **Title, position of the signing person(s):**

Hely / **Place:**

Dátum / **Date:**
