

HUNGARIAN PATENT OFFICE
(MAGYAR SZABADALMI HIVATAL)
AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Hungarian Patent Office

HPL: Hungarian Law on the Protection of Inventions by Patents, Law No. XXXIII of 1995, as amended; Law No. XXXIX of 2002, Law No. CII of 2003, Law No. LXIX of 2004, Law No. LXXXIII of 2005 and Law No. XXIV of 2007

HUML: Hungarian Law on Utility Model Protection, Law No. XXXVIII of 1991

SUMMARY**Designated
(or elected) Office****SUMMARY****HU****HUNGARIAN PATENT OFFICE****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 34,000 plus HUF 1,700 per claim for the 11 th to the 20 th claim HUF 3,400 per claim for the 21 st to the 30 th claim HUF 5,100 for each claim in excess of 30 — where the Office is an elected Office: HUF 17,000 plus HUF 850 per claim for the 11 th to the 20 th claim HUF 1,700 per claim for the 21 st to the 30 th claim HUF 2,550 for each claim in excess of 30 For utility model: HUF 17,000 plus HUF 1,100 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 PATENT OFFICE****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 is not resident in Hungary
or in one of the Member States of the European Union⁴

Who can act as agent?

Any Hungarian patent attorney or attorney-at-law

Does the Office accept requests for
restoration of the right of priority
(PCT Rule 49*ter.2*)?

No

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.

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 paragraphs 57 and 58 of the General Part of this Volume).
- 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 **POWER OF ATTORNEY.** 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 decision granting the patent becomes definitive. 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 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, a request for rejudgment of that decision may be filed within 30 days from the date of the notification of this decision. The Metropolitan Court will then decide on that request.
- PCT Art. 24(2)
48(2) HU.10 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 67 to 71 of the General Part of this Volume.

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 may be extended upon request and payment of a fee for extension of time limits (see Annex HU.I). A time limit of more than three months and more than three extensions of a time limit 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. *Restitutio in integrum* is excluded, however,

(a) in the event of non-observance of the time limit prescribed for filing the declaration of priority or of the time limit of 12 months fixed for claiming convention priority,

(b) in the event of non-observance of the time limit fixed for derivation,

(c) in the event of non-observance of the time limit fixed for filing the declaration of exhibition and of the time limit of six months for benefiting from an exhibition,

(d) in the event of non-payment of the annual fees.

A request for *restitutio in integrum* must be presented in writing within 15 days after the expiration of the missed time limit; at the same time, the omitted act must be completed. Where the non-observance has later become known to the party or the cause thereof has later been removed, the time limit shall be reckoned from the date on which the non-observance has become known or the cause thereof removed. The request for *restitutio in integrum* shall only be admissible within six months following the unobserved time limit or the last day of the unobserved period.

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
PCT Rule 49bis.1
(a), (b)
76.5 HU.13 **UTILITY MODEL.** If the applicant wishes to obtain utility model protection on the basis of an international application—instead of a patent—for international applications filed before 1 January 2004, this must have been indicated in the international application (in Box No. V of the request) when filed; for international applications filed on or after 1 January 2004, since the request form no longer provides for the furnishing of such an indication, 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.

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 to this effect, provided that the 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 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 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.
- HUML Art. 21(2) HU.16 No parallel protection is, however, possible. Utility model protection shall be regarded as lapsed, with retroactive effect to its filing date, when a patent is granted for a patent application
- (a) derived from the utility model application,
 - (b) from which the utility model application has been derived.

FEES

(Currency: Hungarian forint)

National fee for a patent application:	
— where the Office is a designated Office	34,000
— plus for each claim from 11 to 20	1,700
— plus for each claim from 21 to 30	3,400
— plus for each claim in excess of 30	5,100
— where the Office is an elected Office	17,000
— plus for each claim from 11 to 20	850
— plus for each claim from 21 to 30	1,700
— plus for each claim in excess of 30	2,550
National fee for a utility model application	17,000
— plus for each claim in excess of 10	1,100
Additional fee for late furnishing of the translation of the international application and/or late payment of the national fee	53,400
Fees in the national procedure:	
— examination fee ¹	58,000
— fee for grant and printing fee ¹ (including six pages)	32,000
— for each page of the specification and drawings in excess of six ¹	3,200
— fee for grant and printing fee where the application contains disclosure of one or more nucleotide or amino acid sequences only on electronic medium	107,000
Amendment fee:	
— for the first request	4,800
— for the second request	8,500
— for further requests	16,000
— plus for each claim from 11 to 20	1,700
— plus for each claim from 21 to 30	3,400
— plus for each claim in excess of 30	5,100
Fee for extension of time limits :	
— for the first extension	4,800
— for the second extension	8,500
— for further extensions	16,000
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, 3}	
— for the first to the 3 rd year, per year	16,000
— for the 4 th year, per year	80,000
— for the 5 th year, per year	100,000
— for the 6 th to the 12 th year, per year	135,000
— for the 13 th to the 16 th year, per year	140,000
— for the 17 th to the 18 th year, per year	145,000
— for the 19 th to the 20 th year, per year	150,000

Annual fee for a utility model: ^{3, 4}	
— 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 the first year is increased by HUF 3,200 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 three 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 of 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 Patent Office 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 for the first 10 years and one half of the fee for the 11th year to the lapse of patent protection due to the expiration must be paid, if protection is based on an application in respect of which no priority of a foreign application was claimed.

³ These fees are valid for annual fees the grace period for which starts after 20 April 2005.

⁴ Where the holder of the right is exclusively the inventor on the date of payment of the fee, one half of the fee for the first 10 years and one half of the fee for the 11th year to the lapse of utility model protection due to the expiration 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:
 Datum:
 Date:

Aláírás: *
 Unterschrift:
 Signature:

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

Kelt:
 Datum:
 Date:

Aláírás: *
 Unterschrift:
 Signature:

* hitelesítést nem igényel
 keine Beglaubigung
 no legalization

MEGHATALMAZÁS — POWER — VOLLMACHT — POUVOIR

Alulírott - The undersigned - Unterzeichneter - Le soussigné

meghatalmazza és megbizza — herewith appoint(s) and give(s) mandate to —
erteilt die Vollmacht und den Auftrag an — donne procuration et ordre à

.....

.....

.....

(továbbiakban: ügyvivő — hereinafter referred to as the agent —
im folgenden Anwalt genannt — ci-après dénommé mandataire)

- hogy őt az alább megnevezett iparjogvédelmi bejelentés, iparjogvédelmi tárgyú eljárás ügyében bármely hivatal, hatóság és bíróság előtt képviselje, ennek során jogorvoslással éljen, illetve bármilyen jognyilatkozatot vagy egyéb nyilatkozatot tegyen. Ezen meghatalmazás feljogosítja ügyvivőt minden olyan cselekményre, amely a rábizott ügy ellátásával jár, így különösen okirat, pénz és más vagyontárgy átvételére, valamint helyettes megbízására is.
 - to represent him(her)(them) in the matter of the undermentioned industrial property and/or any proceedings connected with the undermentioned industrial property before any office, authority, or Court, to enter appeal, to make declarations with or without legal effect. This Power authorizes the agent to perform any act necessary to conduct said proceedings, to receive documents, monies or other valuables and to issue Sub-Powers of Attorney.
 - sie/ihn vor Ämtern, Behörden und Gerichten in Sachen des untenstehend genannten gewerblichen Schutzrechtes und/oder im Verfahren in Verbindung mit diesem gewerblichen Schutzrecht zu vertreten, Rechtsmittel einzulegen, Rechtserklärungen oder andere Erklärungen abzugeben. Diese Vollmacht berechtigt den Anwalt alles zu tun, das zur Ausübung der Vertretung nötig ist, u. A. zur Entgegennahme von Dokumenten, Geld oder anderen Wertsachen, sowie Untervollmachten zu erteilen.
 - de le/la représenter auprès de toute autorité et tout tribunal compétent concernant la demande en matière de propriété industrielle et dans les poursuites concernant la propriété industrielle désignée ci-dessous, à former appel, à faire toute déclaration. Ce pouvoir autorise le mandataire à remplir toutes les formalités voulues par les lois, à prendre possession de tout document, à toucher de l'argent ou d'autre valeur, substituer tout ou partie des présents pouvoirs.
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Kelt:
Date:
Datum:

(January 1995)