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

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List of abbreviations:
Office: Hungarian Intellectual Property Office (HIPO)
HPL: Hungarian Law on the Protection of Inventions by Patents, Law No. XXXIII of 1995
### Summary of requirements for entry into the national phase

**HU HUNGARIAN INTELLECTUAL PROPERTY OFFICE (HIPO)**

| Required contents of the translation for entry into the national phase: | 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:**

- **For patent:**
  - Where the Office is a designated Office:
    - HUF 37,400 plus HUF 1,900 per claim for the 11th to the 20th claim
    - HUF 3,800 per claim for the 21st to the 30th 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 11th to the 20th claim
    - HUF 1,900 per claim for the 21st to the 30th 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

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1 Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).
<table>
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<tr>
<th>Special requirements of the Office (PCT Rule 51bis):</th>
<th>Name and address of the inventor if they have not been furnished in the “Request” part of the international application²</th>
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<td>Declaration of assignment where the applicant is not the inventor³</td>
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<td>Appointment of an agent if the applicant is not resident in Hungary or in one of the Member States of the European Union⁴</td>
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| 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 49ter.2)? | Yes, the Office applies the “due care” criterion to such requests |

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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 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.

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.

HU.04 POWER OF ATTORNEY. An agent must be appointed by filing a power of attorney. A model is given in Annex HU.III.

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.

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.

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.

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).

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 Metropolitan Court will then decide on that request.

HU.10 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

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.

(17 March 2011)
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.

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.

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.

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.
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.

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

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.

(25 June 2013)
Annual fee for a patent:  
| For the first to the 3rd year, per year | 17,600  
| For the 4th year, per year | 88,000  
| For the 5th year, per year | 110,000  
| For the 6th to the 12th year, per year | 148,500  
| For the 13th to the 16th year, per year | 154,000  
| For the 17th to the 18th year, per year | 159,500  
| For the 19th to the 20th year, per year | 165,000  

Annual fee for a utility model:  
| For the first to the 5th year, per year | 21,400  
| For the 6th to the 10th 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 4th to the 6th 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 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

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*ezennel kijelenti, hogy a*
*erklärt hiermit, das/die/ ungarische Patent/Patentanmeldung*
*hereby declare to transfer the Hungarian Patent/Application/

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*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*

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*übertragen zu haben.*

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

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* hitelesítést nem igényel
* keine Beglaubigung
* no legalization

(January 1995)
MEGHATALMAZÁS — POWER — VOLLMACHT — POUVOIR

Alulírott - The undersigned - Unterzeichneter - Le soussigné

meghatalmazza és megbízza — 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 jogorvoslattal éjlen, illetve bármilyen jognyilatkozatot vagy egyéb nyilatkozatot tegyen. Ezen meghatalmazás feljogosítja ügyvivőt minden olyan cselekményre, amely a rábízott ügy ellátásával jár, így különösen okirat, pénz és más vagyontárgy átvetelére, 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.


— 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.

Kelt:
Date: .........................................................
Datum: .........................................................

(January 1995)