

# INTELLECTUAL PROPERTY OFFICE (LUXEMBOURG)

AS  
DESIGNATED (OR ELECTED) OFFICE

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### List of abbreviations:

Office: Intellectual Property Office (Luxembourg)

L77: Law of May 27, 1977, implementing the PCT

LPL: Law of July 20, 1992, amending the Patent System

R78: Grand-Ducal Regulations of May 25, 1978

RP97: Grand-Ducal Regulations of November 17, 1997, concerning Procedures and Administrative Formalities in Patent Matters

RT97: Grand-Ducal Regulations of November 17, 1997, Establishing Fees and Remuneration in Patent Matters

**SUMMARY****Designated  
(or elected) Office****SUMMARY****LU****INTELLECTUAL PROPERTY OFFICE  
(LUXEMBOURG)****LU****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 20 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: <sup>1</sup>	French or German
Required contents of the translation for entry into the national phase: <sup>1</sup>	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 (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report), abstract
Is a copy of the international application required?	No
National fee: <sup>1</sup>	Currency: Euro (EUR) Filing fee: EUR 20 Third annual fee: EUR 33
Exemptions, reductions or refunds of the national fee:	No filing fee is payable if the international application was filed with the Intellectual Property Office (Luxembourg) as receiving Office.
Special requirements of the Office (PCT Rule 51 <i>bis</i> ): <sup>2</sup>	Name and address of the inventor if they have not been furnished in the "Request" part of the international application <sup>3</sup> Deed of assignment of the priority rights where the applicants are not identical <sup>3</sup> Appointment of an agent if the applicant is not resident in Luxembourg Translation to be furnished in three copies
Who can act as agent?	Any patent agent registered to practice in Luxembourg or any member of the Luxembourg Bar
Does the Office accept requests for restoration of the right of priority (PCT Rule 49 <i>ter</i> .2)?	Yes, please refer to the Office for the applicable criteria and/or any fee payable for such requests

<sup>1</sup> Must be furnished or paid within one month after the expiration of the time limit applicable under PCT Article 22 or 39(1).

<sup>2</sup> 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.

<sup>3</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

## THE PROCEDURE IN THE NATIONAL PHASE

**LU.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).

**LU.02 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex LU.I.

LPL Art. 30(6)  
RP Art. 13

**LU.03 NAME AND ADDRESS OF THE INVENTOR.** Unless they have been indicated in the “Request” part of the international application, the name and address of the inventor must be furnished. For details, see the model for such a designation (not an official form) in Annex LU.II. Legalization is not required. For time limits, see the Summary.

L77 Art. 8  
RP Art. 14(4)

**LU.04 ASSIGNMENT OF PRIORITY RIGHTS.** Where the priority of an earlier application is claimed and the applicant(s) in that application is (are) not identical with the applicant(s) of the international application, an assignment of the priority rights must be furnished. For details, see the model for such assignment (not an official form) in Annex LU.III. Legalization is not required. For time limits, see the Summary.

L77 Art. 6(2)  
LPL Art. 67, 68  
RT Art. 13

**LU.05 ANNUAL FEES.** Annual fees are payable for the third and each subsequent year following the international filing date. Payment must be made before the expiration of the month containing the anniversary of the international filing date. It is to be noted that an annual fee which is due within the 30-month time limit applicable under PCT Article 39(1)(a) can be paid without surcharge up to the expiration of the 30-month time limit. Payment of annual fees can still be made within six months after the due date, together with the surcharge for late payment. For the amounts, see Annex LU.I.

PCT Art. 28  
41  
R78 Art. 10

**LU.06 AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may amend the title of the invention, description, claims and drawings within one month from the expiration of the time limit applicable under PCT Article 22 or 39(1), provided that the subject matter of the application is not broadened thereby. Amendments must be made by means of replacement sheets or by means of entirely new documents filed in three copies and are subject to the payment, within the same time limits, of an administrative fee (see Annex LU.I).

PCT Art. 25  
PCT Rule 51  
L77 Art. 9

**LU.07 REVIEW UNDER PCT ARTICLE 25.** 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 three months from the decision. The Council of State will then decide on the appeal.

LPL Art. 40

**LU.08** Reestablishment of rights (*restitutio in integrum*) may be requested where the applicant, in spite of due care required by the circumstances having been taken, has failed to observe a time limit. An application for reestablishment must state the grounds on which it is based and must be filed within one year from the expiration of the time limit which has not been observed. If the application for reestablishment is accepted, the applicant will have to pay a reestablishment (*restitutio in integrum*) fee and a fee for publication of the decision of *restitutio in integrum* in the Official Journal.

LPL Art. 70

**LU.9 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Where annual fees have not been paid within the prescribed time limits (see paragraph LU.05) for reasons beyond applicant's control, restoration may be requested within 20 months from the loss of rights. The request must set out the reasons beyond the applicant's control that have caused the delay in payment. If a favorable decision is taken on the request for restoration, the applicant will be permitted to pay the annual fees and surcharges which have become due together with the restoration fee and the fee for publication of the decision of restoration in the Official Journal (see Annex LU.I).

## FEES

(Currency: Euro)

### Fees payable in advance to the Administration de l'Enregistrement et des Domaines

Filing fee .....	20
Annual fees:	
— for the 3 <sup>rd</sup> year .....	33
— for the 4 <sup>th</sup> year .....	41
— for the 5 <sup>th</sup> year .....	52
— for the 6 <sup>th</sup> year .....	66
— for the 7 <sup>th</sup> year .....	82
— for the 8 <sup>th</sup> year .....	99
— for the 9 <sup>th</sup> year .....	115
— for the 10 <sup>th</sup> year .....	131
— for the 11 <sup>th</sup> year .....	148
— for the 12 <sup>th</sup> year .....	165
— for the 13 <sup>th</sup> year .....	180
— for the 14 <sup>th</sup> year .....	198
— for the 15 <sup>th</sup> year .....	213
— for the 16 <sup>th</sup> year .....	230
— for the 17 <sup>th</sup> year .....	246
— for the 18 <sup>th</sup> year .....	262
— for the 19 <sup>th</sup> year .....	281
— for the 20 <sup>th</sup> year .....	300
 Surcharge for late payment of the annual fee .....	 20
 Fee for amendment of the title of the invention, the description, the claims, and the drawings before a designated Office (PCT Article 28 or 41) .....	  7
 <b>Fee payable to the Administration de l'Enregistrement et des Domaines on presentation of an invoice from the Intellectual Property Office (Luxembourg)</b>	
 Restoration fee/reestablishment ( <i>restitutio in integrum</i> ) fee .....	 25

**How can payment of fees be effected?**

All fees relating to patents in Luxembourg are payable to the receiver at the Administration de l'Enregistrement et des Domaines, Bureau des successions et de la taxe d'abonnement, plateau du St Esprit, L-1475 Luxembourg, holder of the following account:

- Bureau des chèques postaux, Centre postal, 38 place de la Gare, L-2998 Luxembourg:  
IBAN: LU 31 1111 0077 3370 0000, BIC: CCPLLULL

Payment may also be made in cash or by check, subject to the check being cashed<sup>1</sup>

All payments should give the name and address of the person making the payment and particulars enabling the subject of the payment to be readily identified, in particular the international publication number (for international applications filed up to December 1986), the Luxembourg registration number (for international applications filed as from January 1987), the international filing date, the name of the owner of the international application or the Luxembourg patent granted on that application and the category of fee paid. Where payment relates to an invoice, it is sufficient to state the number, date and originator of the invoice.

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<sup>1</sup> Receipt of the annual fees is entered in the accounts with effect as of the day of collection by the competent receiver at the Bureau des successions, with effect as of the date of the statement of the postal or bank account held by the aforementioned receiver or with effect as of the date of receipt of the postal or bank cheque by that same receiver.

**Demande de brevet  
Patent application**

de .....

of .....

**Désignation de l'Inventeur  
Designation of the Inventor**

(<sup>1</sup>) Je soussigné .....

I, the undersigned

agissant en qualité de déposant — de mandataire du déposant —  
acting as applicant — agent for the applicant —

(<sup>2</sup>) .....

(<sup>3</sup>) de l'invention concernant:  
in respect of the invention concerning:

désigne comme inventeur(s):  
designate as inventor(s):

1. Nom et prénoms .....

Name and first names

Adresse .....

Address

2. Nom et prénoms .....

Name and first names

Adresse .....

Address

3. Nom et prénoms .....

Name and first names

Adresse .....

Address

J'affirme la sincérité des indications susmentionnées et déclare en assumer l'entière responsabilité.  
I declare the above particulars to be true and assume full responsibility for them.

....., le ..... 19.....  
the

.....  
(Signature)

A 680 26

(<sup>1</sup>) Nom, prénoms, firme, adresse / Name, first names, firm, address.

(<sup>2</sup>) Nom, prénoms et adresse du déposant / Name, first names and address of applicant.

(<sup>3</sup>) Titre de l'invention comme dans la demande de brevet / Title of invention as in the patent application.

**CESSION DES DROITS DE PRIORITÉ  
ÜBERTRAGUNG DER PRIORITÄTSRECHTE  
ASSIGNMENT OF PRIORITY RIGHTS**

Je (Nous) soussigné(s)/Ich (Wir) Unterzeichnete(r)/I (We) the undersigned

(Nom et adresse du déposant de la première demande)  
(Name und Anschrift des Erstanmelders)  
(Name and address of the first applicant)

ayant déposé une demande (de brevet) en  
der (die) eine (Patent) Anmeldung eingereicht habe(n) in  
who filed a (patent) application in

(pays/Land/country)

le/am/on

(date/Datum/date)

sous le numéro/unter dem Aktenzeichen/under number

concernant l'invention/betreffend die Erfindung/relating to the invention

(titre/Titel/title)

déclare (déclarons) avoir autorisé et autoriser par la présente  
erkläre(n) hiermit, dass ich (wir) ermächtigt habe(n) und hiermit ausdrücklich ermächtige(n)  
declare that I (we) have authorized and hereby authorize

(nom et adresse du déposant de la demande internationale)  
(Name und Anschrift des PCT-Anmelders)  
(name and address of PCT applicant)

à se prévaloir du droit de priorité prévu à l'article 4 de la Convention de Paris du 20 mars 1883, telle que révisée, aux fins de la  
procédure de délivrance d'un brevet luxembourgeois pour l'invention qui fait l'objet de la demande internationale conformément au  
Traité de coopération en matière de brevets

die in Artikel 4 der Pariser Übereinkunft vom 20. März 1883, in ihrer abgeänderten Fassung, vorgesehenen Prioritätsrechte in  
Anspruch zu nehmen, im Hinblick auf die Erteilung eines luxemburgischen Patents für die Erfindung, welche Gegenstand der gemäss  
dem Zusammenarbeitsvertrag auf dem Gebiet des Patentwesens eingereichten internationalen Patentanmeldung ist

to claim the priority right provided for in Article 4 of the Paris Convention of March 20, 1883, as amended, with regard to the issue of  
a Luxembourg patent for the invention which forms the subject of the international application under the Patent Cooperation Treaty

(numéro de publication internationale/internationale Veröffentlichungsnummer/international publication number)

déposée le/eingereicht am/filed on

(date de dépôt international/internationales Anmeldedatum/international filing date)

Fait à/Geschehen zu/Done at

le/am/on

(lieu/Ort/place)

(date/Datum/date)

(Signature/Unterschrift/Signature)



**POUVOIR**

**VOLLMACHT**

**AUTHORIZATION**

Je (Nous) soussigné(s)/Ich (Wir) Unterzeichnete(r)/I (We) the undersigned

.....  
.....  
.....  
(Nom et adresse du titulaire de la demande internationale)  
(Name und Anschrift des Inhabers der internationalen Anmeldung)  
(Name and address of the owner of the international application)

autorise (autorisons) par la présente  
bevollmächtige(n) hiermit  
do hereby authorize

.....  
(Nom, prénom et adresse du mandataire agréé)  
(Name, Vorname und Anschrift des zugelassenen Vertreters)  
(Name, first name and address of the registered patent agent)

à me (nous) représenter et à agir en mon (notre) nom auprès du Service luxembourgeois de la propriété intellectuelle aux fins de la procédure de délivrance d'un brevet luxembourgeois pour l'invention  
mich (uns) vor dem luxemburgischen Amt für geistiges Eigentum zu vertreten und für mich (uns) zu handeln, im Hinblick auf die Erteilung eines luxemburgischen Patentes für die Erfindung  
to represent me (us) and to act for me (us) at the Luxembourg Intellectual Property Office with regard to the issue of a Luxembourg patent for the invention

.....  
(titre/Titel/title)

qui fait l'objet de la demande internationale conformément au Traité de coopération en matière de brevets:  
welche Gegenstand der gemäss dem Zusammenarbeitsvertrag auf dem Gebiet des Patentwesens eingereichten internationalen Patentanmeldung ist:  
which forms the subject of the international application under the Patent Cooperation Treaty:

.....  
(numéro de publication internationale)  
(internationale Veröffentlichungsnummer)  
(international publication number)

déposée le/ingereicht am/filed on)

.....  
(date de dépôt international)  
(internationales Anmeldedatum)  
(international filing date)

Fait à/Geschehen zu/Done at

le/on/am

.....  
(lieu/Ort/place)

.....  
(date/Datum/date)

.....  
(Signature/Unterschrift/Signature)