

Expedited Examination Programs of IP Offices

Hungary

The Hungarian Intellectual Property Office (HIPO) provides the following possibilities for expediting the granting procedure:

a) Accelerated patent procedure

Article 78/A. of the Hungarian Patent Act

(URL: https://sztnh.gov.hu/sw/static/file/Patent_Act_XXXIII_1995_EN_20260101.pdf; in English)

(1) Accelerated patent procedure shall be applied if the applicant, at the time of filing the patent application, submits a request for publication of the patent application at an earlier date than eighteen months and a request for substantive examination of the application and pays the fee of the substantive examination.

(2) In the case of accelerated patent procedure, the Hungarian Intellectual Property Office shall carry out the examination on filing, the examination as to formal requirements and the novelty search, and shall prepare the patent application for publication within three months from the date of filing.

(3) The patent application shall be published after the expiry of three months from its filing. After the publication the Hungarian Intellectual Property Office shall, as a matter of priority, commence the substantive examination of the application and the preparation of the decision on the grant of the patent, if the patent application satisfies the requirements laid down in Article 65 and 68(1) and the Hungarian Intellectual Property Office has not identified any circumstances that would exclude the grant of the patent as a result of the novelty search pursuant to Article 69.

(4) If the applicant, during the procedure, duly responds within the fixed time limit to any invitation to remedy the deficiencies, the Hungarian Intellectual Property Office shall take final decision on the grant of the patent after the expiry of six months from the filing of the application.

The accelerated patent procedure has no extra cost, but the examination fee is to be paid at a very early stage (i.e. at the time of filing of the patent application).

b) Early publication of the patent application

The Hungarian Patent Act provides for the possibility of an earlier publication of the patent application without the obligation of choosing the accelerated patent procedure detailed above. According to Article 70 (2) of the Hungarian Patent Act at the request of the applicant, the application may be published at an earlier date if it satisfies the requirements set out in Article 65.

The request for an early publication is free of charge.

c) Acceleration lane for universities and publicly financed research institutions

This initiative aims to help universities and research institutions to gain information on the patentability of their solutions at a very early stage during the patent granting procedure.

This opportunity is available to those universities and research institutions which concluded a Memory of Understanding (MoU) with the HIPO.

The procedure begins with a national patent application filed with the HIPO where at least one of the applicants must have an above-mentioned MoU with the HIPO. There are no formal requirements regarding the patent application meaning that it does not have to contain claims, it can be even in the format of a scientific publication and in English language.

The HIPO is then to prepare the novelty search report supplemented with a written explanation within 2 months after the filing and search fee has been paid. The search report is based on the claims or in their absence on the whole disclosure as filed by the applicant. The search report is supplemented with an explanation where novelty, inventive step and industrial applicability are analysed and detailed in order to make the applicant understand it better.

This service helps researchers of the academic sector to decide whether a national (or international) patent procedure could lead to granted patents. It saves money at first instance as applicants do not have to pay for patent attorneys to file an application because complying with the strict formal requirements is not necessary. But it also helps in the timing of scientific publications covering innovative results since the service is very quick (takes only two months' time) and thereafter – if the patentability chances seem to be low – publication of the results do not put in danger the patent grant procedure (by avoiding self-novelty destroying publications).

The acceleration lane is available free of charge for the participating universities and research institutions, the service is completed once the regular filing and search fee has been paid.

- d) The GPPH and the bilateral PPH programs mentioned under point ix) provide for an accelerated examination procedure in the HIPO, since they are based on the mutual recognition of the work of the earlier searching and/or examining authorities.**

In case when a GPPH or PPH request is filed for a patent application, the internal lead times are shorter than in case of „regular“ applications, generally less office actions are issued than in the average and taking the final decision on grant takes much less time. Also, the percentage of the positive outcome of the granting procedure is higher in these cases as usual.

Request for acceleration within the PPH or GPPH program is free of charge.