

NATIONAL CENTER OF INTELLECTUAL PROPERTY (BELARUS)

AS DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office:	National Center of Intellectual Property (Belarus)
BPL:	Belarus Law on Patents for Inventions, Utility Models and Industrial Designs (as revised on 18 December 2017, effective from 7 July 2018)
BDEDR:	Regulations on Application Drafting Procedure for an Invention Patent, Application Examination and Decision Making upon Results of the Examination (effective from 3 February 2011)
BTC:	Belarus Taxation Code (as revised on 9 January 2017)

SUMMARY**Designated
(or elected) Office****SUMMARY****BY****NATIONAL CENTER OF INTELLECTUAL
PROPERTY (BELARUS)****BY****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	Russian or Belarussian
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Request, ² description, claims (if amended, both as originally filed and as amended together with any statement under PCT Article 19), any text matter of drawings Under PCT Article 39(1): Request, ² 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)
Is a copy of the international application required?	A copy is required only if the Office has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2) or 40(2).
National fee: ^{3,4}	Currency: Belarussian rouble (BYN) For patent: Filing fee: ⁵ BYN 78.40 Claim fee for each independent claim in excess of one: BYN 33.60 Examination fee: BYN 380.80 Claim examination fee for each independent claim in excess of one: BYN 224 Annual fee for the third year: BYN 78.40 For utility model: Filing fee: ⁵ BYN 156.80 Claim fee for each independent claim in excess of one: BYN 78.40

[Continued on next page]

¹ Must be furnished within two months from the expiration of the time limit applicable under PCT Article 22 or 39(1).

² Not required if the form for entry into the national phase is used.

³ For residents of Belarus, the payment of fees shall be effected in Belarussian rouble in accordance with the rate of the base value.

⁴ For non-residents of Belarus the payment of fees shall be effected in US dollar, euro, Swiss franc or Russian rouble, unless otherwise provided for by international agreements with the Republic of Belarus, in accordance with the rate of the base value and the exchange rate established by the National Bank of the Republic of Belarus applicable on the date of payment.

⁵ If not already paid within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to pay within a time limit of two months from the date of entry into the national phase.

SUMMARY**Designated
(or elected) Office****SUMMARY****BY****NATIONAL CENTER OF INTELLECTUAL
PROPERTY (BELARUS)****BY***[Continued]*

Exemptions, reductions or refunds of the national fee:

The examination fee is reduced by 50% where an international search report or an international preliminary examination report has been established

Special requirements of the Office (PCT Rule 51*bis*):

Instrument of assignment of the priority right where the applicants are not identical⁶

Translation of the international application to be furnished in two copies⁷

Verification of translation⁷

Who can act as agent?

Any patent attorney registered to practice before the Office

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

Yes, the Office applies the “unintentional” criterion to such requests

⁶ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

⁷ Must be furnished within two months from the expiration of the time limit applicable under PCT Article 22 or 39(1).

THE PROCEDURE IN THE NATIONAL PHASE

- BPL Art. 13, 14
BDED R Sec. 306.1
- BY.01 FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available special forms for entering the national phase (see Annex BY.II and BY.III). These forms should preferably be used.
- BDED R Sec. 308
- BY.02 TRANSLATION (VERIFICATION).** The required verification of the translation of the international application into Russian or Belarusian consists of a simple statement signed by the applicant or by his agent.
- BY.03 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).
- BPL Art. 12
BDED R Sec. 18
- BY.04 REPRESENTATION.** Any patent attorney registered to practice before the Office may represent the applicant. The patent attorney may be appointed before entry into the national phase or during the application proceedings.
- BPL Art. 31
BTC Art. 262, Sec 1.1,
1.2
- BY.05 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex BY.I.
- BDED R Sec. 283
- BY.06 CLAIMS FEE.** The claims fee must be computed on the basis of the number of claims valid at the beginning of the national phase (i.e., where amendments have been filed, the claims as amended under PCT Article 19 or 34(2) or the claims as submitted by the applicant under PCT Article 28 or 41 upon entering the national phase). Where the applicant fails to pay the correct amount of the claims fee upon entering the national phase, the Office will invite him to pay the missing amount within two months from the date on which he has received the invitation.
- BPL Art. 21
BDED R Sec. 317
- BY.07 REQUEST FOR EXAMINATION.** A patent will be granted only after examination as to substance which must be requested by the applicant or by any interested party. There is no special form for the request.
- BPL Art. 21
BDED R Sec. 318
- BY.08 TIME LIMIT FOR REQUESTING EXAMINATION.** Examination must be requested within three years from the international filing date. That period may not be extended or reinstated. If the request for examination is not received within that said period, the decision to refuse the grant of a patent is made.
- BPL Art. 31
BDED R Sec. 321
BTC Art. 262, Sec. 1.1.5
Art. 263, Sec. 2
- BY.09 FEE FOR REQUESTING EXAMINATION.** The request for examination is only effective if a fee for requesting examination has been paid. The amount of the said fee is indicated in Annex BY.I. It is reduced by 50% where an international search report or an international preliminary examination report has been established.
- BPL Art. 31
BTC Art. 264, Sec. 6.8
- BY.10 FEE FOR GRANT.** A fee for grant must be paid within two months after receipt by the applicant of the decision to grant the patent. The amount of the fee is indicated in Annex BY.I. The fee for grant must be paid on the expiry of a specified period, but not later than six months from the date of expiry. In the latter case, the fee is increased by 50%.
- PCT Art. 28
41
BPL Art. 18
BDED R Sec. 239
- BY.11 AMENDMENT OF THE APPLICATION; TIME LIMITS.** Subject to payment of the prescribed fee, the applicant has the right to amend the claims, the description and the drawing(s) of his own volition, provided that the scope of the subject matter of the application is not broadened thereby, until the final decision of the Office to grant or reject the patent. The amount of the fee for amendment is indicated in Annex BY.I.

BPL Art. 31(3)
BTC Art. 264, Sec. 6.9

BY.12 MAINTENANCE FEES. After a patent has been granted, maintenance fees must be paid for maintaining the patent in force. They are payable for the third and each subsequent year following the international filing date. The maintenance fee for each subsequent year must be paid within the current paid year of the patent's term. Payment can still be made, upon filing a request for extension of time together with a 50% surcharge for late payment, within six months calculated from the beginning of the next unpaid year of the patent's term. The amounts of maintenance fees are indicated in Annex BY.I.

PCT Art. 23(2)
40(2)
BDEDR Sec. 304

BY.13 REQUEST FOR EARLIER START OF THE NATIONAL PHASE. If the applicant wishes the processing and the examination of his application to start before the expiration of the time limit applicable under PCT Article 22(3) or 39(1)(b), he must submit an express request therefor to the Office and at the same time furnish a copy of the international application and comply with the acts prescribed for entering the national phase.

PCT Art. 24(2)
48(2)
BPL Art. 27
BTC Art. 262, Sec 1.8.10

BY.14 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Reference is made to paragraphs 6.022 to 6.027 of the National Phase. Reinstatement may be requested where the applicant, due to legitimate reasons, has failed to comply with a time limit before the Office and non-compliance is prejudicial to his rights. A request for reinstatement of rights must be presented not later than one year from the expiration of the time limit which has not been complied with. Within the said period the omitted act must be performed, the fee for reinstatement of rights must be paid (see Annex BY.I) and the request must state the facts which justify the reinstatement.

BPL Art. 19, Sec. 5
Art. 21.3
BTC Art. 262, Sec 1.1.9

BY.15 EXTENSION FEE. The applicant may, against payment of an extension fee indicated in Annex BY.I, file a request for extension of a time limit for response fixed by the Examiner for a certain procedure before the Office. The request and extension fee must be filed within three months from the date on which the invitation to the applicant to take action was sent. The filing of the request and extension fee will extend the time limit for response by up to three months in case of preliminary examination and to 12 months in case of patent examination from the date of filing the extension request and depending on the amount of the extension fee paid.

PCT Rule 49.6
82*bis*
BDEDR Sec. 305
BTC Art. 262, Sec. 1.1.13

BY.16 REINSTATEMENT OF RIGHTS. In the case of failure to perform the acts referred to in PCT Article 22 within the applicable time limit, the applicant may obtain reinstatement of his rights by presenting a request to that effect and performing the omitted acts within 12 months from the date of expiration of the applicable time limit under PCT Article 22, and by paying a prescribed reinstatement fee (see Annex BY.I).

BPL Art. 35
BTC Art. 262, Sec. 1.1.15

BY.17 If a patent ceases through non-payment of maintenance fees and its term of validity has not yet expired, the patent may be restored upon request of the patent owner and payment of a patent restoration fee (see Annex BY.I) and the maintenance fee arrears.

PCT Art. 25
PCT Rule 51
BPL Art. 25

BY.18 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, an appeal against this decision may be lodged with the Board of Appeal of the Office within one year from the date of receipt of the decision. The ruling of the Appeal Board may be appealed against to a court of justice within six months from the date of its receipt.

PCT Rule 49*bis*
BPL Art. 14

BY.19 UTILITY MODEL. If, upon entering the national phase in Belarus, the applicant wishes the international application to be treated as an application for the grant of a utility model, he must use a special form to that effect (see Annex BY.III).

BPL Art. 23

BY.20 If the international application is for a utility model, the requirements for the national phase are basically the same as for patents, except that the applicant is not required to make a request for substantive examination.

BPL Art. 1, 3
BTC Art. 262, Sec. 1.2.8

BY.21 MAINTENANCE FEE FOR A UTILITY MODEL. Maintenance fees for a utility model are payable for each year of the utility model's term, starting with the first year counted from the international filing date. The first maintenance fee must be paid jointly with the grant fee. After the expiration of five years, the term of a utility model may be extended by the Office, at the request of the owner of the utility model, for a period not exceeding five years. This request must be accompanied by a utility model renewal fee.

BPL Art. 26
BTC Art. 262, Sec. 1.2.7

BY.22 CONVERSION. The applicant may, prior to publication of the particulars of a patent application, but not later than the date on which he has received the decision to grant a patent, convert the said application into a utility model application by filing a request to that effect with the Office. The utility model application may be converted into a patent application at any time before the applicant has received the decision to grant a patent for utility model or, if the decision to refuse the grant of a patent for utility model is taken, before the expiration of the time limit for lodging an appeal against that decision. The converted application will have the priority date and the filing date of the initial application.

FEES

(Currency: Belarusian rouble^{1, 2})

Patents

Filing fee	78.40
Claim fee for each independent claim in excess of one	33.60
Examination fee (reduced by 50% where an international search report or an international preliminary examination report has been established)	380.80
Claim examination fee for each independent claim in excess of one	224
Fee for amendment	33.60
Fee for grant	156.80
Maintenance fees:	
— for the 1 st and the 2 nd years, per year	—
— for the 3 rd and the 4 th years, per year	78.40
— for the 5 th and the 6 th years, per year	112
— for the 7 th and the 8 th years, per year	156.80
— for the 9 th and the 10 th years, per year	190.40
— for the 11 th and the 12 th years, per year	224
— for the 13 th and the 14 th years, per year	268.80
— for the 15 th and the 16 th years, per year	302.40
— for the 17 th and the 18 th years, per year	347.20
— for the 19 th and the 20 th years, per year	380.80
— for the 21 st year to the 25 th year, per year	515.20
Fee for reinstatement of rights (BPL Art. 27)	160
Fee for reinstatement of rights (PCT Rule 49.6)	302.40
Fee for extension of a time limit for response (per month):	
— up to three months	22.40
— from three to six months	44.80
— above six months	78.40
Fee for restoration of the right of priority	67.20
Surcharge for late payment of the annual fee	50% of the applicable annual fee

¹ For residents of Belarus, the payment of fees shall be effected in Belarusian rouble in accordance with the rate of the base value.

² For non-residents of Belarus the payment of fees shall be effected in US dollar, euro, Swiss franc or Russian rouble, unless otherwise provided for by international agreements with the Republic of Belarus, in accordance with the rate of the base value and the exchange rate established by the National Bank of the Republic of Belarus applicable on the date of payment.

Utility models

Filing fee	156.80
Claim fee for each independent claim in excess of one	78.40
Fee for grant	156.80
Renewal fee	302.40
Maintenance fees:	
— from the 1 st year to the 3 rd year, per year	67.20
— from the 4 th year to the 6 th year, per year	89.60
— from the 7 th to the 10 th year, per year	156.80
Conversion fee	78.40

How can payment of fees be effected?

The payment of fees shall be effected in Belarusian roubles³ or in the equivalent amount in US dollars, euros, Swiss francs or Russian roubles⁴. All payments must indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the category of fee being paid.

Payment must be effected by transfer to one of the following accounts in:

Belarusian roubles:	BY04AKBB3603900000082
Euros:	BY84AKBB3603900000109
Russian roubles:	BY50AKBB3603900000066
Swiss francs:	BY49AKBB3603900000079
US dollars:	BY03AKBB3603900000095
Beneficiary's name:	National Center of Intellectual Property (Belarus)
Name of bank:	JSC "SB Belarusbank"
Address:	Minsk
BIC/SWIFT Code:	AKBBBY 2X
GCEOR (General Classifier of Enterprises and Organizations):	00040175
TIN (taxpayer's identification number):	190310695

Non-residents should refer to correspondent banks for payment of fees and duties.

The list of accounts of JSC "SB Belarusbank" correspondent banks is available at the Office's website (see: List of correspondent accounts "Nostro" at <https://belarusbank.by/en/10582/10926>).

³ See footnote 1.

⁴ See footnote 2.

Дата поступления*:		Регистрационный номер*:	
ЗАЯВЛЕНИЕ о переводе международной заявки на национальную стадию рассмотрения		В государственное учреждение «Национальный центр интеллектуальной собственности»	
Номер международной заявки:	PCT/	Дата подачи международной заявки:	
Номер публикации международной заявки:	WO	Дата публикации международной заявки:	
Название заявляемого изобретения (группы изобретений), которое должно совпадать с названием, приводимым в описании изобретения:			
Заявитель (заявители): Фамилия, собственное имя, отчество (если таковое имеется) физического лица (физических лиц) и (или) полное наименование юридического лица (юридических лиц) в именительном падеже:			
Адрес места жительства (места пребывания) или места нахождения:		Код страны места жительства (места пребывания) или места нахождения по стандарту ВОИС ST.3 (если он установлен):	
Номер телефона**: Номер факса**: Адрес электронной почты**:			
<input type="checkbox"/> смотреть продолжение на дополнительном листе (листах)			
ОКПО***		УНП***	
Наименование юридического лица, которому подчиняется или в состав (систему) которого входит юридическое лицо – заявитель (заявители) (при наличии)***:			
Ходатайствую (ходатайствуем):			
<input type="checkbox"/> о более раннем начале рассмотрения международной заявки:		<input type="checkbox"/> с даты получения документов, прилагаемых к настоящему заявлению	
		<input type="checkbox"/> с _____ (указать дату)	
Адрес для переписки в соответствии с правилами адресования почтовых отправлений с указанием фамилии, собственного имени, отчества (если таковое имеется) или наименования адресата (заявителя (заявителей), патентного поверенного, общего представителя):			
Номер телефона**:		Номер факса**:	
Адрес электронной почты**:			
Представитель (фамилия, собственное имя, отчество (если таковое имеется) или наименование представителя, регистрационный номер патентного поверенного, если представителем назначен патентный поверенный)			
является: <input type="checkbox"/> патентным поверенным; <input type="checkbox"/> общим представителем			

Номер телефона**:	Номер факса**:	Адрес электронной почты**:	
Прошу (просим) начать рассмотрение международной заявки на основе:			
описания изобретения:	<input type="checkbox"/> первоначально поданного;	<input type="checkbox"/> измененного со статьей 34(2)(b) Договора о патентной кооперации от 19 июня 1970 года (далее – РСТ)	в соответствии
формулы изобретения:	<input type="checkbox"/> первоначально поданной;	<input type="checkbox"/> измененной в соответствии со статьей 19 РСТ;	<input type="checkbox"/> измененной в соответствии со статьей 34(2)(b) РСТ
чертежей:	<input type="checkbox"/> первоначально поданных;	<input type="checkbox"/> измененных со статьей 34(2)(b) РСТ	в соответствии
изменений, внесенных при переводе международной заявки на национальную стадию рассмотрения:	<input type="checkbox"/> описания изобретения;	<input type="checkbox"/> формулы изобретения;	<input type="checkbox"/> чертежей
Перечень прилагаемых документов:		Количество листов в одном экземпляре	Количество экземпляров
Автор (авторы): Фамилия, собственное имя, отчество (если таковое имеется):		Адрес места жительства (места пребывания), включая код страны по стандарту ВОИС ST.3 (если он установлен):	
<input type="checkbox"/> смотреть продолжение на дополнительном листе (листах)			
Подпись (подписи) заявителя (заявителей) или его (их) патентного поверенного с указанием фамилии и инициалов (от имени юридического лица (юридических лиц) заявление подписывается руководителем этого юридического лица (юридических лиц) или иным лицом (лицами), уполномоченным на это, с указанием фамилии, инициалов и должности подписывающего лица (лиц):			
Дата подписания _____			

* Заполняется государственным учреждением «Национальный центр интеллектуальной собственности».

** Если имеется.

*** Заполняется в случае, если заявителем (заявителями) является юридическое лицо (юридические лица) Республики Беларусь.

Дата поступления*:		Регистрационный номер*:	
ЗАЯВЛЕНИЕ о переводе международной заявки на национальную стадию рассмотрения		В государственное учреждение «Национальный центр интеллектуальной собственности»	
Номер международной заявки:	PCT/	Дата подачи международной заявки:	
Номер публикации международной заявки:	WO	Дата публикации международной заявки:	
Название заявляемой полезной модели (группы полезных моделей), которое должно совпадать с названием, приводимым в описании полезной модели:			
Заявитель (заявители): Фамилия, собственное имя и отчество (если таковое имеется) физического лица и (или) полное наименование юридического лица в соответствии с учредительными документами в именительном падеже:			
Адрес места жительства (места пребывания) или места нахождения:		Код страны места жительства (места пребывания) или места нахождения по стандарту ВОИС ST.3, если он установлен:	
Номер телефона**:			
Номер факса**:			
Адрес электронной почты**:			
<input type="checkbox"/> смотреть продолжение на дополнительном листе (листах)			
ОКПО***		УНП***	
Наименование юридического лица (юридических лиц), которому подчиняется или в состав (систему) которого входит юридическое лицо (юридические лица) – заявитель (заявители) (при наличии)***:			
Ходатайствую (ходатайствуем):			
<input type="checkbox"/> о более раннем начале рассмотрения международной заявки:		<input type="checkbox"/> с даты получения документов, прилагаемых к настоящему заявлению	
		<input type="checkbox"/> с _____ (указать конкретную дату)	
Адрес для переписки в соответствии с правилами адресования почтовых отправок с указанием фамилии, собственного имени, отчества (если таковое имеется) или наименования адресата (заявителя (заявителей), патентного поверенного, общего представителя):			
Номер телефона**:		Номер факса**:	
Адрес электронной почты**:			
Представитель (фамилия, собственное имя и отчество (если таковое имеется) или наименование представителя, регистрационный номер патентного поверенного, если представителем назначен патентный поверенный) является: <input type="checkbox"/> патентным поверенным; <input type="checkbox"/> общим представителем.			
Номер телефона**:		Номер факса**:	
Адрес электронной почты**:			

Прошу (просим) начать рассмотрение международной заявки на основе:								
описания полезной модели:	<input type="checkbox"/> первоначальн о поданного;	<input type="checkbox"/> измененного в соответствии со статьей 34(2)(b) Договора о патентной кооперации от 19 июня 1970 года (далее – РСТ)						
формулы полезной модели:	<input type="checkbox"/> первоначальн о поданной;	<input type="checkbox"/> измененной в соответствии со статьей 19 РСТ; <input type="checkbox"/> измененной в соответствии со статьей 34(2)(b) РСТ						
чертежей:	<input type="checkbox"/> первоначальн о поданных;	<input type="checkbox"/> измененных в соответствии со статьей 34(2)(b) РСТ						
изменений, сделанных при переводе международной заявки на национальную стадию рассмотрения:	<input type="checkbox"/> описания полезной модели;	<input type="checkbox"/> формулы полезной модели; <input type="checkbox"/> чертежей						
Перечень прилагаемых документов:		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;">Количество листов в одном экземпляре</th> <th style="width: 20%; text-align: center;">Количество экземпляров</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"></td> <td></td> <td></td> </tr> </tbody> </table>		Количество листов в одном экземпляре	Количество экземпляров			
	Количество листов в одном экземпляре	Количество экземпляров						
Автор (авторы):								
Фамилия, собственное имя и отчество (если таковое имеется):		Адрес места жительства (места пребывания), включая код страны по стандарту ВОИС ST.3 (если он установлен):						
<input type="checkbox"/> смотреть продолжение на дополнительном листе (листах)								
Подпись (подписи) заявителя (заявителей) или его (их) патентного поверенного с указанием фамилии и инициалов (от имени юридического лица (юридических лиц) заявление подписывается руководителем этого юридического лица (юридических лиц) или уполномоченным им лицом (лицами) с указанием фамилии, инициалов и должности подписывающего лица (лиц):								
Дата подписания _____								

* Заполняется государственным учреждением «Национальный центр интеллектуальной собственности».

** Если имеется.

*** Заполняется в случае, если заявителем (заявителями) является юридическое лицо (юридические лица) Республики Беларусь.