

**REGISTRY OF INTELLECTUAL  
PROPERTY (COSTA RICA)  
AS  
DESIGNATED (OR ELECTED) OFFICE**

**CONTENTS**

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEX

Fees ..... Annex CR.I

**List of abbreviations:**

Office: Registry of Intellectual Property (Costa Rica)

PL: Law No. 6867 of 25 April 1983, on Patents, Industrial Designs and Utility Models (as amended up to Law No. 8686 of 21 November 2008)

PR: Executive Decree No. 38308-JP of 12 February 2014, on Amendments to Decree No. 15222-MIEM-J of 12 December 1983, approving Regulation of Law No. 6867 of 25 April 1983, on Patents, Industrial Designs and Utility Models

**SUMMARY****Designated  
(or elected) Office****SUMMARY****CR REGISTRY OF INTELLECTUAL PROPERTY CR  
(COSTA RICA)****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: <sup>1</sup>	Spanish
Required contents of the translation for entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, as amended only, 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, only as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	The applicant should only send a copy of the international application if he/she has not received Form PCT/IB/308 and 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).
National fee: <sup>1,2</sup>	Currency: US dollar (USD) For patent: Filing fee: <sup>3</sup> USD 500 For utility model: Filing fee: USD 75
Exemptions, reductions or refunds of the national fee:	Refunds of up to 50% may be possible. <sup>4</sup> It is possible to reuse the fee already paid for an application that was subsequently abandoned for the payment of the national fee in respect of a new application with the same subject matter.

*[Continued on next page]*

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

<sup>2</sup> See Law No. 6867 on Patents, Industrial Designs and Utility Models, Article 33(a) and Regulations to the Law on Patents, Industrial Designs and Utility Models, Article 47.

<sup>3</sup> This fee is reduced by 70% where the international application has been filed by natural persons, micro or small enterprises, as defined in Law No. 8262 of Costa Rica, public institutions of higher education or public institutes for scientific or technology research. Together with the request for reduction of the fee, the applicant must provide, in addition to the proof of payment, the following documents: a sworn statement in which the applicant declares that he is entitled to the reduction, a copy of the identification card ("cédula de identidad") in the case of a natural person or a copy of the corporation card ("cédula jurídica") in the case of a legal person. To proceed with the registration of the transfer of rights to a third party which is not entitled to the reduction, the latter has to pay the remaining 70% of the fee that was not initially paid by the assignor. In addition, as from the date of transfer to a third party, the assignee has to pay the total amount of the annual fees due to maintain the validity of the patent.

<sup>4</sup> See Regulations to the Law No. 6867 on Patents, Industrial Designs and Utility Models, Article 14.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****CR REGISTRY OF INTELLECTUAL PROPERTY CR  
(COSTA RICA)***[Continued]*

Special requirements of the Office  
(PCT Rule 51*bis*):<sup>5</sup>

Name and address of the inventor if they have not been furnished in the “Request” part of the international application<sup>6</sup>

Instrument of assignment or transfer of the right to the application<sup>6</sup>

Evidence of entitlement to claim priority where the applicant is not the applicant who filed the earlier application<sup>6</sup>

Evidence concerning non-prejudicial disclosures or exceptions to lack of novelty, such as disclosures resulting from abuse, disclosures at certain exhibitions and disclosures by the applicant during a certain period of time<sup>6</sup>

Appointment of an agent or address for notification in Costa Rica

Translation of the international application or any document relating to it to be furnished in two copies (one paper copy and an additional copy in electronic format (CD-ROM))

Verified translation of the international application, where deemed necessary

Verified translation of the priority document<sup>7</sup>

Who can act as agent?

Any attorney registered in Costa Rica<sup>8</sup>

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

Yes, the Office applies the “due care” criterion to such requests

<sup>5</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the applicant must comply with the requirement within 90 days after entry into the national phase. The Office will not issue an invitation to this effect.

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

<sup>7</sup> Only if the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable.

<sup>8</sup> See Law No. 6867 on Patents, Industrial Designs and Utility Models, Article 34.

## THE PROCEDURE IN THE NATIONAL PHASE

- PR Art. 9      **CR.01 LANGUAGE OF PROCEEDINGS.** The language of proceedings is Spanish. Where the international application was not filed in Spanish, the applicant shall furnish a verified translation into Spanish.
- PCT Rule 51*bis*1(e)      **CR.02 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as originally filed (see National Phase, paragraphs 6.002 and 6.003).
- PL Art. 8.1      **CR.03 DIVISIONAL APPLICATIONS.** An applicant may divide an application into two or more parts, but none of them may entail a broadening of the invention or of the disclosure contained in the initial application. Each divisional application will benefit from the same filing date as the international application which entered the national phase. The amount of the fee for a divisional application is indicated in Annex CR.I.
- CR.04 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex CR.I.
- PL Art. 33*bis*  
PR Art. 46.2      **CR.05 ANNUAL FEES.** The annual fees to maintain the validity of the patent may be paid in advance for two or more annual periods. The fee payable for registration and issue of the certificate shall waive payment of the first annual fee. The second and subsequent annuities due from the filing date of the application until the date of grant of the patent shall be paid within a maximum period of two months from the date of grant. The due date of each annuity shall be the last day of the month of the anniversary of the filing date of the application. If payment is not made within the prescribed time limits, a period of grace of six months shall be granted for the payment of the annual fee, which shall be made simultaneously with the payment of the surcharge for payment within the grace period. The amounts of the annual fees are indicated in Annex CR.I.
- PL Art. 34      **CR.06 REPRESENTATION.** If the applicant has neither a residence nor a principal place of business in Costa Rica, he shall be represented by a lawyer domiciled in Costa Rica.
- PL Art. 8.1      **CR.07 AMENDMENT OF THE APPLICATION.** The applicant has the right, on his own initiative, to make amendments to the application provided that the scope of the application as filed is not broadened.
- PCT Art. 24(2)  
48(2)  
PCT Rule 82*bis*      **CR.08 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.
- CR.09 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase.a

## FEES

(Currency: US dollars)

### Patents

Filing fee including formal examination <sup>1</sup> . . . . .	500
Fee for divisional application <sup>1</sup> . . . . .	500
Examination fee . . . . .	525
Registration fee <sup>1</sup> . . . . .	500
Opposition fee . . . . .	25
Annual fees: <sup>1</sup>	
— from the 2 <sup>nd</sup> to the 20 <sup>th</sup> year, per year . . . . .	500
Surcharge for payment within the grace period . . . . .	30% of the annual fee
Fee for requesting extension of the patent term <sup>1</sup> . . . . .	150
Fee for reinstatement of rights . . . . .	144
Fee for restoration of the right of priority . . . . .	144

### Utility Models

Filing fee <sup>1</sup> . . . . .	75
Fee for divisional application <sup>1</sup> . . . . .	75
Examination fee . . . . .	525
Opposition fee . . . . .	30

### How can payment of fees be effected?

All fees must be paid to the Bank of Costa Rica, Banco de Costa Rica, presenting evidence of the payment to the Registry together with the application.

---

<sup>1</sup> This fee is reduced by 70% where the international application has been filed by natural persons, micro or small enterprises as defined in Law No. 8262 of Costa Rica, public institutions of higher education or public institutes for scientific or technology research. Together with the request for reduction of the fee, the applicant must provide, in addition to the proof of payment, the following documents: a sworn statement in which the applicant declares that he is entitled to the reduction, a copy of the identification card (“cédula de identidad”) in the case of a natural person or a copy of the corporation card (“cédula jurídica”) in the case of a legal person. To proceed with the registration of the transfer of rights to a third party which is not entitled to the reduction, the latter has to pay the remaining 70% of the fee that was not initially paid by the assignor. In addition, as from the date of transfer to a third party, the assignee has to pay the total amount of the annual fees due to maintain the validity of the patent.