

CUBAN INDUSTRIAL PROPERTY OFFICE

(*OFICINA CUBANA DE LA PROPIEDAD INDUSTRIAL*)
AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Cuban Industrial Property Office

DL290/2011: Decree-Law No. 290, on Inventions and Industrial Designs and Models (of 20 November 2011)

SUMMARY**Designated
(or elected) Office****SUMMARY****CU****CUBAN INDUSTRIAL PROPERTY OFFICE****CU****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: ¹	Spanish
Required contents of the translation for entry into the national phase: ¹	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:	Currency: Cuban convertible peso (CUC) For patent: Filing fee (including publication fee and the annual fee for the 1 st and the 2 nd years): ² CUC 460 For utility model: Filing fee (including publication fee and the annual fee for the 1 st and the 2 nd years): ² CUC 350
Exemptions, reductions or refunds of the national fee:	Fees are reduced by CUC 50 where applications are filed both on paper and in electronic form

[Continued on next page]

¹ If not already furnished 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 of 60 days. If the translation of the amended application is not furnished, the Office will proceed on the basis of the translation of the application as originally filed. If the translation of the application as originally filed is not furnished, the application will be considered abandoned.

² The Office may also require payment of the third annual fee at the time of filing, depending on the date of entry into the national phase.

SUMMARY**Designated
(or elected) Office****SUMMARY****CU****CUBAN INDUSTRIAL PROPERTY OFFICE****CU***[Continued]*

Special requirements of the Office
(PCT Rule 51*bis*):³

Instrument of assignment or transfer where the applicant is not the inventor⁴

Instrument of assignment of the priority right where the applicants are not identical⁴

Appointment of an agent if the applicant does not have a domicile or a real or effective industrial or commercial establishment in Cuba

Evidence concerning non-prejudicial disclosures or exceptions to lack of novelty, such as disclosures resulting from abuse and disclosures by the applicant in official or officially recognized exhibitions⁵

Verification and translation of the international application to be furnished in two copies

Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form and paper and a declaration that the sequences are identical in both formats⁶

Who can act as agent?

Any person authorized to practice before the Office. The names and professional addresses of the persons who can act as agents are published in the Official Gazette [*Boletín Oficial de la Oficina*].

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

No

³ 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 of 60 days subject to the payment of the applicable fee. Before the expiration of that period, the applicant may request another extension of 30 days subject to the payment of the applicable fee.

⁴ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

⁵ Documents relative to official or officially recognized exhibitions must be submitted to the Office within a non-extendable period of three months from the date of entry into the national phase.

⁶ The documents must be submitted to the Office within 16 months from the date of filing of the application or, if applicable, from the date of the priority claim.

THE PROCEDURE IN THE NATIONAL PHASE

CU.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).

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

DL290/2011 15 CU.03 **POWER OF ATTORNEY.** An agent authorized to practice before the Office must be appointed by filing a power of attorney if the applicant does not have a domicile or a real and effective industrial and commercial establishment in Cuba. A model is given in Annex CU.II.

DL290/2011 8 CU.04 **ASSIGNMENT DEED.** For details, see the model in Annex CU.III. If the applicant has obtained the right to file the international application through one or more other persons and not directly from the inventor, an assignment deed linking the inventor and the applicant must be presented. This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

CU.05 Where the priority of an earlier application is claimed and the applicant is not the same as the applicant of the original application, a copy of the instrument granting the right to claim the priority of the earlier application to the current applicant must be submitted. This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

DL290/2011 20.2 CU.06 **DIVISIONAL APPLICATIONS.** Where an application is divided, either at the request of the applicant or at the request of the Office, it will benefit from the same filing date and any applicable priority date as the international application which entered the national phase.

DL290/2011 32 The division of an application at the request of the applicant must be submitted within six months from the date of entry into the national phase in Cuba. [The division of an application at the request of the Office must be submitted within 60 days from the date of the notification of the requirement by the Office.](#) The amount of the fee for a divisional application is indicated in Annex CU.I.

DL290/2011 42
43 CU.07 **ANNUAL FEES.** Annual fees are payable from the international filing date and must be paid within 30 months from the priority date, regardless of whether or not preliminary examination has been carried out. Annual fees must be paid before the beginning of the year of validity. A period of grace of six months will be allowed for the payment of an expired annual fee, but the prescribed amount thereof will then be doubled. For the amount of these fees, see Annex CU.I.

DL290/2011 131-134 CU.08 **AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may, before grant, request rectification of errors of form. A request for rectification of errors of substance can only be made by the applicant before publication, provided that such rectification does not go beyond the content of the application as originally filed. Any holder of a patent or utility model may request the inclusion of any amendment to his title of protection provided the documents that legally justify it are furnished. The amount of the fee payable for such amendment is indicated in Annex CU.I.

- DL290/2011 32
36 CU.09 **EXCUSE OF DELAYS IN MEETINGS TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase. Where an official notice is not complied with within 60 days the application will be considered abandoned unless the applicant requests in writing an extension of 30 days and pays the corresponding fee. The amount of the extension fee is indicated in Annex CU.I.
- PCT Art. 25
PCT Rule 51 CU.10 **REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase.
- DL290/2011 39-41 CU.11 **APPEALS.** After substantive examination, a decision is issued by the Chief of the Technical Department, granting, granting in part or denying the application. In case of non-conformity, applicants may file an appeal with the Director of the Office, within 30 days from the date of the notification of said decision, upon payment of the corresponding fee. The amount of the appeal fee is indicated in Annex CU.I.
- DL290/2011 119 Applicants may file an appeal before the Provincial Tribunal of the City of Havana against the decision of the Director of the Office within 30 days from the date of the notification of said decision.
- CU.12 **UTILITY MODEL.** Subject to paragraph CU.14, if the applicant wishes to obtain a utility model instead of a patent in Cuba, on the basis of an international application, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office. The fees relating to utility models are indicated in Annex CU.I.
- DL290/2011 123
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PCT Rule 49.6 CU.13 **REINSTATEMENT OF RIGHTS.** Reinstatement of rights may be requested where the applicant failed to [perform the acts referred to in Article 22 to enter the national phase within the applicable time limit if the failure to meet that time limit occurred](#) in spite of due care required by the circumstances. Reinstatement of rights may also be requested where the applicant failed to observe a time limit set by the Office in spite of due care, which is prejudicial to his rights. A request for reinstatement must be presented in writing within 60 days from the removal of the cause of the failure to observe the time limit or 12 months from the date of expiration of the applicable time limit. The omitted action must be completed within the applicable time limit, the request must state the facts which justify the reinstatement and set out the facts on which it relies, and the fee for reinstatement of rights (see Annex CU.I) must be paid.
- D342/2018 78 [Reinstatement of rights is excluded where the applicant failed to observe the following time limits: a\) to request reinstatement; b\) the priority period; c\) to provide documents relating to non-prejudicial disclosures at official or officially-recognized international exhibitions and d\) to file oppositions.](#)
- DL290/2011 83 CU.14 **CONVERSION.** During the processing of the international application, the applicant has the right to convert his application for a patent into an application for a utility model or vice versa within 12 months after entering the national phase, upon payment of the prescribed fee. The amount of the fee for conversion is indicated in Annex CU.I.
- D342/2018 31.3 [The conversion of the form of protection as requested by the Office must be submitted within 60 days from the date of the notification of the requirement by the Office.](#)

FEES**(Currency: Cuban convertible peso)****Patents**

Filing fee (including publication fee and the annual fee for the 1 st and the 2 nd years) ¹	460 ²
Claim fee:	
— for each independent claim in excess of one	80
— for each multiple dependent claim	100
— for each group up to ten dependent claims	80
Fee for each page in excess of 30	5
Fee for amendment or modification	100
Fee for grant	200
Fee for claiming priority, per priority	50
Fee to respond to an invitation from the Office	85
Fee for extension of time to respond to an invitation from the Office	70
Fee for conversion	150
Fee for appeal.	200
Fee for reinstatement	300
Fee for submission of divisional application ³	350
Annual fees:	
— for the 3 rd year	200
— for the 4 th year	250
— for the 5 th year	300
— for the 6 th year	350
— for the 7 th year	400
— for the 8 th year	450
— for the 9 th year	500
— for the 10 th year	550
— for the 11 th year	600
— for the 12 th year	650
— for the 13 th year	700
— for the 14 th year	750
— for the 15 th year	800
— for the 16 th year	900
— for the 17 th year	1,000
— for the 18 th year	1,100
— for the 19 th year	1,200
— for the 20 th year	1,300
— late payment fee in period of grace of six months	double of the corresponding fee

¹ The Office may also require payment of the third annual fee at the time of filing, depending on the date of entry into the national phase.

² This fee is reduced by CUC 50 where the application is filed both on paper and in electronic form.

³ The first and second annuities are not included. A surcharge of CUC 40 is added where more than one invention or group of inventions is claimed in the same application.

Utility models

Filing fee (including publication fee and the annual fee for the 1 st and the 2 nd years) ⁴	350 ⁵
Fee for grant	150
Fee for submission of divisional application ⁶	350
— for each group of up to five claims	80
Annual fees:	
— for the 3 rd year	150
— for the 4 th year	200
— for the 5 th year	250
— for the 6 th year	300
— for the 7 th year	350
— for the 8 th year	400
— for the 9 th year	450
— for the 10 th year	500

How can payment of fees be effected?

The payment of fees must be effected in Cuban convertible pesos. 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. All fees must be paid to the Office, either by check or in cash.

⁴ See footnote 1.
⁵ See footnote 2.
⁶ See footnote 3.

DOCUMENTO DE REPRESENTACIÓN/ POWER OF ATTORNEY/ POUVOIR

Yo/Nosotros/ I/We/ Je/ Nous¹ :

Nombro/ nombramos/ do hereby appoint/ nomme/nommons²:

Para encargarse en mi/ nuestro nombre de los trámites para presentar la solicitud relativa a la invención titulada³/ To undertake on my/our behalf the procedures for filing an application in relation to the invention entitled⁴/Pour accomplir en mon/notre nom les formalités de dépôt d'une demande relative à l'invention intitulée⁵:

En la Oficina Cubana de la Propiedad Industrial
Before the Cuban Industrial Property Office
Auprés de l'Office Cubain de la Propriété Industrielle

De conformidad con la legislación cubana sobre invenciones/ according to the cuban legislation on inventions/ conformément à la législation cubaine sur les inventions.

Lugar/ Place/Lieu Fecha/Date

Firma(s)/Signature(s)

NO SE REQUIERE LEGALIZACIÓN/ NO LEGALIZATION REQUIRED/ AUCUNE
LÉGALISATION REQUISE

¹ Indicar de manera completa (a) los nombres y apellidos y (b) la dirección de la persona o de la empresa que ha nombrado al mandatario/ Insert in full (a) the name and (b) address of the individual or corporation appointing the attorney/ Indiquer le nom complet (a) et l'adresse complète (b) de la personne ou de la société qui nomme le mandataire.

² Nombre del mandatario/ Name of attorney/ Nom du mandataire.

³ Título de la invención / Title of the invention/ Titre de l'invention.

⁴ IDEM Nota al Pie 20.

⁵ IDEM Nota al Pie 20.

ACTA DE CESIÓN/ DEED OF ASSIGNMENT/ ACTE DE CESSION

Yo/Nosotros/ el que suscribe/ los que suscriben:

It is hereby declared that I / we the undersigned:

Je/ Nous soussigné(s):

Declaro/ declaramos por la presente Acta haber cedido mi /nuestro derecho de solicitar y obtener una patente de invención o un registro de modelo de utilidad en Cuba relativa a la invención intitulada:

I / we declare by this Act have given my/ our right to request and obtain a patent for invention or utility model registration in Cuba on the invention entitled:

Je déclare / Nous déclarons par la présente acte avoir cédé mon / notre droit de demander et d'obtenir un brevet d'invention ou d'un modèle d'utilité à Cuba sur l'invention intitulée:

a/to/à:

Lugar/ Place/Lieu Fecha/Date

Firma(s)/Signature(s)

NO SE REQUIERE LEGALIZACIÓN/ NO LEGALIZATION REQUIRED/ AUCUNE
LÉGALISATION REQUISE