

NATIONAL OFFICE OF INDUSTRIAL PROPERTY (DOMINICAN REPUBLIC)

AS DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

- Office: National Office of Industrial Property (Dominican Republic)
- IPL: Law No. 20-00 of May 8, 2000, on Industrial Property
- RPL: Decree No. 599-01 of June 1, 2001, on the Establishment of the Regulations for the Implementation of Law No. 20-00 on Industrial Property
- Res. 001/2011: Resolution No. 001-2011/DIR-ONAPI of August 26, 2011, on the Patent Cooperation Treaty (PCT)
- Res. 003/2017: Resolution No. 003-2017/DIR-ONAPI of December 8, 2017, on the Conversion of an Invention Patent Application to a Request for Utility Model

SUMMARY**Designated
(or elected) Office****SUMMARY****DO****NATIONAL OFFICE OF INDUSTRIAL
PROPERTY (DOMINICAN REPUBLIC)****DO****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), 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: Dominican peso (DOP) For patent: Filing fee: ¹ – up to 30 sheets DOP 11,500 – for each additional sheet DOP 75 For utility model: Filing fee: ¹ – up to 30 sheets DOP 8,050 – for each additional sheet DOP 75
Exemptions, reductions or refunds of the national fee:	The fees are reduced by up to 90% where the applicant is the inventor and he provides a declaration indicating that his economic situation prevents him from paying the full amount of the fees.
Special requirements of the Office (PCT Rule 51 <i>bis</i>):	Name and address of the inventor if they have not been furnished in the “Request” part of the international application ^{2, 3} Document evidencing a change of name of the applicant ³ Declaration as to the applicant’s entitlement to apply for and be granted a patent ^{2, 3} Declaration as to the applicant’s entitlement to claim priority where the applicant is not the applicant who filed the earlier application ^{2, 3} Translation of the international application to be furnished in two copies ³ Appointment of an agent if the applicant is not resident in the Dominican Republic Power of attorney if an agent is appointed Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form and paper

[Continued on next page]

¹ Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).² This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.³ 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 two months from the date of receipt of the invitation.

SUMMARY**Designated
(or elected) Office****SUMMARY****DO****NATIONAL OFFICE OF INDUSTRIAL
PROPERTY (DOMINICAN REPUBLIC)****DO***[Continued]*

Who can act as agent?

Any natural or legal person resident in the Dominican Republic

Does the Office accept requests for
restoration of the right of priority
(PCT Rule 49ter.2)?Yes, the Office applies both the “unintentional” and the “due care”
criteria to such requests

THE PROCEDURE IN THE NATIONAL PHASE

DO.01 FORM FOR ENTERING THE NATIONAL PHASE. The Office has available a special form for entering the national phase (see Annex DO.II). This form should preferably (but need not) be used.

DO.02 LANGUAGE OF PROCEEDINGS. The language of proceedings is Spanish.

DO.03 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).

IPL Art. 11.3 **DO.04 FEES (MANNER OF PAYMENT).** The applicant must submit proof of payment of the national filing fee with the application. The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex DO.I.

IPL Art. 18
RPL Art. 12 **DO.05 DIVISIONAL APPLICATIONS.** In case of lack of unity of invention, the applicant may file divisional applications in respect of the additional inventions claimed in the international application. These will benefit from the same filing date as the international application provided that they do not go beyond the original disclosure. Filing fees are due for each divisional application (see Annex DO.I).

IPL Art. 148
RPL Art. 3 **DO.06 POWER OF ATTORNEY.** If the applicant does not reside in the Dominican Republic, an agent must be appointed by filing a power of attorney.

IPL Art. 21
RPL Art. 74 **DO.07 PUBLICATION OF APPLICATIONS.** All applications are published 18 months after the expiration of the filing date or the earliest priority date and this is subject to payment of a fee (see Annex DO.I).

IPL Art. 22
RPL Art. 16 **DO.08 EXAMINATION.** A patent may be granted only after examination as to substance which is subject to payment of a fee (See Annex DO.I). The fee must be paid within 12 months after publication of the application by the Office. If the applicant fails to pay this fee within the prescribed time limit, the application shall be considered abandoned.

IPL Art. 24
RPL Art. 74 **DO.09 GRANT OF PATENT.** The grant of patent is published and this is subject to payment of a fee (see Annex DO.I).

PCT Art. 28
IPL Art. 149 **DO.10 AMENDMENTS AND CORRECTION OF THE APPLICATION.** The applicant may, at any time, make amendments or corrections to his application, provided that they do not go beyond the original disclosure. The amount of the fee for amendments or corrections is indicated in Annex DO.I.

IPL Art. 20
RPL Art. 74
Res. 003/2017 **DO.11 CONVERSION.** An international application for a patent may be converted into a utility model application and vice-versa. A fee for requesting conversion is due (see Annex DO.I)

PCT Art. 24(2)
48(2)
PCT Rule 82*bis* **DO.12 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

DO.13 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase.

IPL Art. 28
RPL Art. 22
Res. 001/2011
Sec. 6

DO.14 ANNUAL FEES. Annual fees for patents are payable for the second and each subsequent year following the international filing date. The first annual fee must be paid at the latest before the first anniversary of the date of entry into the national phase. Subsequent payments must be made at the latest before the anniversary of the international filing date.

IPL Art. 53
RPL Art. 22

Annual fees for utility models are payable for the fifth to the tenth year and each subsequent year. The first annual fee must be paid at the latest on the fifth anniversary of the international filing date and a subsequent payment of annual fees must be made at the latest on the tenth anniversary of the international filing date.

Two or more annual fees may be paid in advance. Payment of annual fees may still be made within six months from the due date, subject to the payment of a surcharge. The amounts of these fees are indicated in Annex DO.I.

PCT Rule 49.6
Res. 001/2011
Sec. 7-8
10

DO.15 REINSTATEMENT OF RIGHTS. Reinstatement of rights may be requested where the delay in meeting the time limit referred to in Article 22 was unintentional or the applicant in spite of due care required by the circumstances having been taken, failed to perform the acts referred to in Article 22 within the applicable time limit. A request for reinstatement must be presented in writing within two months from the removal of the cause of the failure to observe the time limit, or twelve months from the date of expiration of the applicable time limit, whichever time limit expires earlier. Within the said two months, the omitted action must be completed and the fee for reinstatement of rights must be paid (see Annex DO.I).

PCT Rule 49ter.2
Res. 001/2011
Sec. 7-9

DO.16 REQUEST FOR RESTORATION OF RIGHT OF PRIORITY. Where the international application was filed within two months from the end of the period for claiming priority of an earlier application, a request for restoration of the right of priority may be made to the Office in accordance with the national law (see National Phase, paragraphs 6.006 to 6.011). For the request to be granted, the Office must be satisfied that the failure to file the application within the 12-month priority period was unintentional or occurred in spite of due care required by the circumstances. The time limit for filing the request is one month from the date of entry into the national phase. A declaration or other evidence in support of a request for restoration of the right of priority should accompany the request. A fee for restoration of the right of priority must be paid (see Annex DO.I).

FEES¹**(Currency: Dominican peso (DOP))****Patents**

Filing fee:	
— up to 30 sheets	11,500
— for each additional sheet	75
Publication fee	3,450
Fee for priority claims, per priority	2,300
Examination fee	13,800
Fee for publication of grant of patent	4,600
Amendment fees:	
— correction of the applicant or patentee details	3,450
— claims:	
— for the 1 st claim	3,910
— for any additional claim	2,300
Fee for reinstatement of rights	17,250
Fee for restoration of the right of priority	17,250
Fee for conversion of patent application into application for utility model, and vice versa	4,025
Fee for divisional application	11,500
Registration fee:	
— for a patent application not exceeding 30 pages	None
— for each additional page	75
Annual fees:	
— for the 2 nd to the 4 th years, per year	5,750
— for the 5 th to the 9 th years, per year	9,200
— for the 10 th to the 15 th years, per year	11,500
— for the 16 th or more years, per year	13,800
Surcharge for late payment of annual fees (for each month or fraction thereof that the fee remains unpaid)	1,725

Utility models

Filing fee:	
— up to 30 sheets	8,050
— for each additional sheet	75
Publication fee	3,450
Fee for priority claims, per priority	2,300
Examination fee	9,200

¹ Fees are reduced by up to 90% where the applicant is the inventor and he provides a declaration indicating that his economic situation prevents him from paying the full amount of the fees.



DO

Fee for publication of grant of utility model	4,600
Amendment fees:	
— correction of the applicant or patentee details	3,450
— claims:	
— for the 1 st claim	3,910
— for any additional claim	2,300
Fee for divisional utility application	8,050
Registration fee:	
— for a utility model application not exceeding 30 pages	None
— for each additional page	75
Annual fees:	
— for the 5 th to the 10 th years	11,500
— for any additional year	13,800
Surcharge for late payment of annual fees (for each month or fraction thereof that the fee remains unpaid)	1,725

How can payment of fees be effected?

The payment of the fees has to be effected in Dominican peso. 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.

Filing and maintenance fees should be paid by check, credit card or cash directly at the Office.

	Departamento de Inventiones Solicitud de Patente de Invención y Modelo de Utilidad	FO-IN-00 Versión: 02 20/07/2017	
Sección I. (Para uso exclusivo de ONAPI): No. Solicitud: Clasificación Internacional de Patentes:		Fecha de Depósito: Fecha de Presentación:	Hora: Minutos: Fecha de divulgación previa de presentación en lugar distinto a ONAPI:
Sección II. Solicitud: <input type="checkbox"/> Patente de Invención. <input type="checkbox"/> Modelo de Utilidad.	Sección III. Tipo de solicitud : <input type="checkbox"/> Fase Nacional PCT <input type="checkbox"/> Solicitud divisional. <input type="checkbox"/> División de patente <input type="checkbox"/> Cambio de modalidad. No. Solicitud/Patente Originaria: <input style="width: 150px; height: 20px;" type="text"/>		
Sección IV. Título.			
Sección V. Solicitante. Nombres: Apellidos: Nacionalidad: País de residencia: Provincia / Estado: Municipio / Ciudad: Sector: Calle / Casa No.: Código Postal: Teléfono: Correo electrónico: Tipo de Identificación <input type="checkbox"/> RNC <input type="checkbox"/> Cédula <input type="checkbox"/> Pasaporte: No.		Tipo de persona: <input type="checkbox"/> Física <input type="checkbox"/> Jurídica Esta persona es: . <input type="checkbox"/> Solicitante únicamente <input type="checkbox"/> Solicitante e inventor Sexo: <input type="checkbox"/> Masculino <input type="checkbox"/> Femenino	
Sección VI. Otros Solicitantes y/u (otros) Inventores. Nombres: Apellidos: Nacionalidad: País de residencia: Provincia / Estado: Municipio / Ciudad: Sector: Calle / Casa No.: Código Postal: Teléfono: Correo electrónico: Tipo de Identificación <input type="checkbox"/> RNC <input type="checkbox"/> Cédula <input type="checkbox"/> Pasaporte: No.		Tipo de persona: <input type="checkbox"/> Física <input type="checkbox"/> Jurídica Esta persona es: <input type="checkbox"/> Inventor únicamente <input type="checkbox"/> Solicitante únicamente <input type="checkbox"/> Solicitante e inventor Sexo: <input type="checkbox"/> Masculino <input type="checkbox"/> Femenino	
Sección VII. Gestor o representante. Nombres: Apellidos: Nacionalidad: Provincia: Municipio / Ciudad: Sector: Calle / Casa No.: Código Postal: Teléfono: Correo electrónico: Tipo de Identificación <input type="checkbox"/> RNC <input type="checkbox"/> Cédula		Tipo de persona: . <input type="checkbox"/> Física <input type="checkbox"/> Jurídica Sexo: <input type="checkbox"/> Masculino <input type="checkbox"/> Femenino Firma:	

Página No. ____

Sección VIII. Otros Solicitantes y/o (otros) Inventores.	
Nombres: Apellidos: Nacionalidad: País de residencia: Provincia / Estado: Municipio /Ciudad: Sector: Calle / Casa No.: Código Postal: Teléfono: Correo electrónico: Tipo de Identificación <input type="checkbox"/> RNC <input type="checkbox"/> Cédula <input type="checkbox"/> Pasaporte: No.	Tipo de persona: <input type="checkbox"/> Física <input type="checkbox"/> Jurídica
	Esta persona es: <input type="checkbox"/> Inventor únicamente <input type="checkbox"/> Solicitante únicamente <input type="checkbox"/> Solicitante e inventor
	Sexo: <input type="checkbox"/> Masculino <input type="checkbox"/> Femenino
Sección IX. Otros Solicitantes y/o (otros) Inventores.	
Nombres: Apellidos: Nacionalidad: País de residencia: Provincia / Estado: Municipio /Ciudad: Sector: Calle / Casa No.: Código Postal: Teléfono: Correo electrónico: Tipo de Identificación <input type="checkbox"/> RNC <input type="checkbox"/> Cédula <input type="checkbox"/> Pasaporte: <input type="checkbox"/> No.	Tipo de persona: <input type="checkbox"/> Física <input type="checkbox"/> Jurídica
	Esta persona es: <input type="checkbox"/> Inventor únicamente <input type="checkbox"/> Solicitante únicamente <input type="checkbox"/> Solicitante e inventor
	Sexo: <input type="checkbox"/> Masculino <input type="checkbox"/> Femenino
Sección X. Otros Solicitantes y/o (otros) Inventores.	
Nombres: Apellidos: Nacionalidad: País de residencia: Provincia / Estado: Municipio /Ciudad: Sector: Calle / Casa No.: Código Postal: Teléfono: Correo electrónico: Tipo de Identificación <input type="checkbox"/> RNC <input type="checkbox"/> Cédula <input type="checkbox"/> Pasaporte: No.	Tipo de persona: <input type="checkbox"/> Física <input type="checkbox"/> Jurídica
	Esta persona es: <input type="checkbox"/> Inventor únicamente <input type="checkbox"/> Solicitante únicamente <input type="checkbox"/> Solicitante e inventor
	Sexo: <input type="checkbox"/> Masculino <input type="checkbox"/> Femenino

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Sección XI. Datos de la Solicitud Internacional en el marco del PCT.			
Fecha solicitud internacional	No. solicitud internacional	No. publicación internacional	Fecha publicación internacional
Sección XII. Reivindicación de Prioridad del Convenio de París. (APLICA A SOLICITUDES PCT) (Si es necesario puede reproducir esta hoja).			
País.	Fecha Presentación.	No. Solicitud.	
Sección XIII. Lista de documentos depositados en esta solicitud. (Será verificada por la ONAPI)			
Esta solicitud contiene los siguientes documentos: 1. Formulario de solicitud. _____ Cant. Págs. 2. Resumen. _____ Cant. Págs. 3. Descripción. _____ Cant. Págs. 4. Reivindicaciones. (Cant. _____) _____ Cant. Págs. 5. Dibujos. _____ Cant. Págs. 6. Relación de secuencia de nucleótido y Aminoácidos (en papel y DVD/CD). _____ Cant. Págs. 7. Comprobante de pago de tasa. _____ Cant. Págs.		Esta solicitud se acompaña además de: <input type="checkbox"/> Ejemplar de la memoria descriptiva en español. <input type="checkbox"/> Memoria descriptiva en soporte electrónico. <input type="checkbox"/> Memoria descriptiva en otro idioma que no sea el español. <input type="checkbox"/> Documento de Cesión. <input type="checkbox"/> Traducción Documento de Cesión. <input type="checkbox"/> Copia Certificada Prioridad Convencional. <input type="checkbox"/> Traducción Copia Certificada Prioridad. <input type="checkbox"/> Poder de Representación. <input type="checkbox"/> Traducción del Poder de Representación. <input type="checkbox"/> Certificado de depósito de microorganismo.	
Otros documentos:			
Sección XIV. Firma del solicitante o de su representante.			
Sección XV. Personal de la ONAPI que recibe la solicitud.			
Nombre (s) y Apellido(s)	Firma.	Sello ONAPI.	
Observaciones:			
Sección XVI. Label ONAPI uso interno. (al dorso)			