

**STATE OFFICE OF INDUSTRIAL
PROPERTY (NORTH MACEDONIA)**
AS
DESIGNATED (OR ELECTED) OFFICE

CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEX

Fees Annex MK.I

List of abbreviations:

Office: State Office of Industrial Property (North Macedonia)

MPL: Law on Industrial Property¹

LAP: Law on Administrative Procedure

¹ The text may be obtained on the Internet at www.ippo.gov.mk

SUMMARY**Designated
(or elected) Office****SUMMARY****MK STATE OFFICE OF INDUSTRIAL PROPERTY MK
(NORTH MACEDONIA)****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	Macedonian
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, as amended only, together with any statement under PCT Article 19), any text matter of drawings Under PCT Article 39(1): Description, claims, any text matter of drawings (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?	No
National fee:	Currency: Macedonian denar (MKD) Filing fee: ¹ MKD 800
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51 <i>bis</i>): ²	Appointment of an agent if the applicant is not resident in North Macedonia Statement justifying the applicant's right to the priority application where the applicants are not identical ³ Evidence concerning exceptions to lack of novelty if the applicant claims such exceptions in respect of an international application Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in computer readable form
Who can act as agent?	Any natural or legal person registered to practice before the Office
Does the Office accept requests for restoration of the right of priority (PCT Rule 49 <i>ter.2</i>)?	Yes, the Office applies the "due care" criterion to such requests

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

² 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 fixed in the invitation.

³ This requirement may be satisfied if the corresponding declaration has been made in accordance with Rule 4.17.

THE PROCEDURE IN THE NATIONAL PHASE

MK.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).

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

MPL Art. 52, 56

MK.03 EXAMINATION. A patent will only be granted after substantive examination. Preferably, on entry into the national phase, or within six months of this date the applicant should furnish the Office with a statement concerning examination. This statement shall indicate whether examination has been or shall be carried out either by one of the PCT International Searching Authorities or International Preliminary Examining Authorities (see Annex D or E), or a searching or examining authority that has entered into an agreement for search and examination with the Office or by the Office. The examination report should be furnished to the Office together with a translation in Macedonian within six months of the date of receipt.

MK.04 Where substantive examination by an authorized Office (see MK.03) has not been performed prior to entry into the national phase, such a request must be made within two years.

MPL Art. 22
279

MK.05 REPRESENTATION. Where the ordinary residence or principal place of business of the applicant is outside North Macedonia, an agent who is a resident of North Macedonia and who is registered to practice before the Office must be appointed for the purposes of national processing.

PCT Art. 28
41
MPL Art. 50

MK.06 AMENDMENT OF THE APPLICATION; TIME LIMITS. The applicant may amend or correct the international application up to the grant of a patent, provided that the scope of the subject matter of the application is not broadened thereby.

MPL Art. 24
86(2)

MK.07 MAINTENANCE FEES. Maintenance fees are due from the international filing date for maintaining the patent in force. Payment of the maintenance fees for subsequent years must be made before the anniversary of the international filing date of the application. If payment is not made within this time limit, it may be made together with a 25% surcharge, within three months after the due date or, together with a 100% surcharge, within a further period of six months. The amounts of the maintenance fees are indicated in Annex MK.I.

PCT Art. 24(2)
48(2)
PCT Rule 82bis
LAP Art. 106-111

MK.08 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Reference is made to paragraphs 6.022 to 6.027 of the National Phase. Where, during the international phase or before the Office, the applicant has missed a time limit for performing any act in relation to the international application, such time limit may be extended by the Office. The excuse of delay procedure is available to: (1) parties which have been delayed in performing certain actions due to justifiable reasons; (2) parties which have failed to submit the application in time because it was submitted to an unauthorized authority due to lack of awareness or obvious mistake; and (3) parties which have missed prescribed deadlines due to lack of awareness or obvious mistake but submit the application or relevant papers to the competent authority within three days after the deadline and where delay would mean that the party would lose rights. The request for excuse of delay must explain the circumstances which caused the delay and include the paper(s) sought to be submitted late. The request for excuse of delay must be submitted within eight days from the day on which the circumstance which caused the delay ceased to exist, or, where the party learned about its cessation only later, from the day the party learned of it. Requests for excuse of delay are acceptable only up until three months from the day when the delayed paper or action was due.

- MPL Art. 268-270 **MK.09** Reinstatement of rights may be requested where the applicant, in spite of all due care required by the circumstances, failed to observe a time limit set by the Office, which is prejudicial to his rights. A request for reinstatement must be presented in writing within three months after the removal of the cause of the failure to observe the time limit and if the applicant has later learned of this failure, counting from the day he learned of it, but not later than twelve months from the expiration of the time limit which has not been observed. Within the said three months, the omitted action must be completed, the fee for reinstatement of rights and any late payment fees (see Annex MK.I) must be paid and the request must set out the facts on which it relies.
- MPL Art. 265-267 **MK.10** Continued processing may be requested where the applicant failed to observe a time limit fixed by the Office and that failure directly causes a loss of rights conferred by a patent application or a patent. The continued processing may not be requested for certain time limits set out in MPL Art. 267. The request for continued processing must be filed within two months from the day on which the applicant learned of the legal consequences. The Office shall authorize continued processing if the applicant files a request, performs all the omitted acts within the time limit, and pays the prescribed fee. After the expiry of six months from the date of omission, continued processing may not be requested.
- PCT Art. 25
PCT Rule 51
MPL 20 **MK.11 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 filed with the Administrative Court of Macedonia in accordance with the Law on Administrative Disputes within 30 days from the date of receipt of the decision.

FEES**(Currency: Macedonian denar)**

Filing fee	800
Publication fee	1,500
Maintenance fees:	
— for the 3 rd year	800
— for the 4 th year	1,000
— for the 5 th year	1,200
— for the 6 th year	1,400
— for the 7 th year	1,600
— for the 8 th year	1,800
— for the 9 th year	2,000
— for the 10 th year	3,000
— for the 11 th year	4,000
— for the 12 th year	5,000
— for the 13 th year	6,000
— for the 14 th year	7,000
— for the 15 th year	8,000
— for the 16 th year	9,000
— for the 17 th year	10,000
— for the 18 th year	11,000
— for the 19 th year	12,000
— for the 20 th year	13,000
Fee for restoration of the right of priority	1,000
Surcharge for the late payment of maintenance fees:	
— fees paid within 3 months	25% of the amount due
— fees paid within 6 months	50% of the amount due

How can payment of fees be effected?

Filing and maintenance fees must be paid by money order, cheque or bank transfer to a budget account of [North Macedonia](#) No. 1000 000 000 63095; suspense account No. 840-identification of the municipality-03135; revenue code: 722319; manner: 2. All payments should include the complete application number, the name of the applicant and the type of fee being paid.

The publication fee must be paid to the account of the State Office of Industrial Property ([North Macedonia](#)): Account No. 1000 000 000 63095; account user 1100200213-787-13; revenue code and program: 724149-20; manner: 1; tax number of IPPPO: 4030994253825, depositor of National Bank.