

**STATE OFFICE FOR INVENTIONS AND
TRADEMARKS (ROMANIA)**
(OFICIUL DE STAT PENTRU INVENTII SI MARCI)
AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: State Office for Inventions and Trademarks (Romania)

LPI: Law No. 64/1991 on Patents, republished within the meaning of Article IV of the Law No. 28/2007 for amending and completing the Patent Law No. 64/1991, published in the Official Gazette of Romania, Part I, No. 613 of 19 August 2014

RLP: Decision No. 547 of 21 May 2008 for the approval of Regulations Implementing Law No. 64/1991 republished, published in the Official Gazette of Romania, No. 456 of 18 May 2008

OF: Ordinance No. 41/1998 on Fees in the Field of Industrial Property and Regulations Governing Their Use, republished within the meaning of Article IV of the Law No. 381/2005 for amending and completing Ordinance No. 41/1998 on Fees in the Field of Industrial Property and Regulations Governing Their Use, published in the Official Gazette of Romania, Part I, No. 6 of 6 January 2006

CCP: Romanian Code of Civil Procedure

SUMMARY**Designated
(or elected) Office****SUMMARY****RO****STATE OFFICE FOR INVENTIONS
AND TRADEMARKS (ROMANIA)****RO****Summary of requirements for entry into the national phase****If grant of a national patent by the State Office for Inventions and Trademarks (Romania) is desired:**

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	Romanian
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: ²	Currency: Euro (EUR) Filing fee: EUR 30 Fee for priority claims, per priority: EUR 50 Examination fee: EUR 500 Annual fee for the first three years: EUR 150
Exemptions, reductions or refunds of the national fee:	For international applications entering the national phase the search fee is reduced by 50%
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 ^{3,4} Statement justifying the applicant's right to the patent if he is not the inventor ⁴ Appointment of an agent if the applicant is not resident in Romania

[Continued on next page]

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

² For further details on the fee structure and applicable time limits, see Annex RO.I of the National Chapter RO.

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 fixed in the invitation.

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

SUMMARY**Designated
(or elected) Office****SUMMARY****RO****STATE OFFICE FOR INVENTIONS
AND TRADEMARKS (ROMANIA)****RO***[Continued]*

Who can act as agent?

Any industrial property agent resident in Romania whose name appears on the register kept in the Office

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

Yes, please refer to the Office for the applicable criteria and/or any fee payable for such requests

If a European patent is desired: See European Patent Organisation (EP) in Annex B2, Summary (EP) and national chapters EP and RO in the National Phase

THE PROCEDURE IN THE NATIONAL PHASE

- RPL Art. 30(6) RO.01 **FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a form for entering the national phase (see Annex RO.II). This form should preferably (but need not) be used.
- LPI Art. 27
RPL Art. 20(3) RO.02 **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).
- RO.03 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex RO.I.
- RPL Art. 23(8) RO.04 **ASSIGNMENT OF PRIORITY RIGHTS.** Where the priority of an earlier application is claimed and the applicant(s) in that application is (are) not identical with the applicant(s) of the international application, an assignment of the priority rights must be furnished.
- LPI Art. 13(4)
RPL Art. 37(1)
RPL Art. 22 RO.05 **POWER OF ATTORNEY.** Any national or legal person resident in Romania whose name appears on the register kept in the Office may be appointed by filing a power of attorney.
- OF Art. 11(1) RO.06 **FEE FOR GRANT AND PUBLICATION.** This fee (see Annex RO.I) must be paid to the Office within 12 months from the date of publication of the decision to grant the patent.
- OF Art. 11(1), (2) and (5) RO.07 **ANNUAL FEES.** The fees for maintaining the patent in force for each year up to grant under Law No. 64/1991 republished, including the year of grant, shall be paid in one installment together with the fee for grant, within 12 months from the date of publication of the decision to grant. Payment for subsequent years must be made in advance before each succeeding anniversary of the international filing date. Payment can still be made, together with a 50% surcharge for late payment, within six months after the expiration of that 12-month period. For the amounts of the annual fees, see Annex RO.I.
- PCT Art. 28
LPI Art. 41
LPI Art. 26 RO.08 **AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may make before the Office amendments to the description, claims and drawing(s) of his own volition or when specifically required by the Office, provided that the subject matter of the application is not broadened thereby. Such amendments can be made up to the time of the receipt of the notification of the decision to grant a patent.
- PCT Art. 25
PCT Rule 51
CCP Art. 299
LPI Art. 51-57 RO.09 **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 an omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged within three months from the notification of the decision. A fee for appeal must be paid at the same time. The Reexamination Commission of the Office will then decide on the appeal.
- PCT Art. 24(2)
LPI Art. 48(2) RO.10 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

FEES**(Currency: Euro)**

Filing fee	30
Fee for claiming priority	50
Publication fee:	
— paid within six months of entry into the national phase	50
— paid on entry into the national phase	80
Search fee	50
Examination fee:	
— paid within three months from the date of entering the national phase	500
— plus, for each page in excess of 20	10
— plus, for each claim in excess of 5	15
— paid after three months from the date of entering the national phase	300
— plus, for each page in excess of 20	5
— plus, for each claim in excess of 5	10
Printing and granting fee (payable within 12 months from the date of publication of the decision):	100
— plus, for each page in excess of 20	5
Annual fee for maintaining the patent in force for each year of protection from the filing date of the international application:	
— for the 1 st year	—
— for the 2 nd year	—
— for the 3 rd year	150
— for the 4 th year	160
— for the 5 th year	180
— for the 6 th year	200
— for the 7 th year	220
— for the 8 th year	240
— for the 9 th year	260
— for the 10 th year	280
— for the 11 th year	300
— for the 12 th year	320
— for the 13 th year	340
— for the 14 th year	370
— for the 15 th year	400
— for the 16 th year	500
— for the 17 th year	500
— for the 18 th year	500
— for the 19 th year	500
— for the 20 th year	500

How can payment of fees be effected?

The national law provides for the periodical indexation of the amounts in Romanian lei, the amounts in euros remaining unchanged, because of the daily fluctuation, due to inflation, of the exchange rate of the Romanian leu against the euro. Consequently, foreign applicants residing abroad must pay the fees in euros.

Payments may be made directly to the Office account No. 2511.1–774.2 at the Banca Comercială Română Sala Palatului, strada Ion Campineanu No. 33, sector 1, Bucuresti, account details: IBAN: RO38RNCB0080005630320005, BIC (SWIFT CODE) RNCBROBU, [fiscal code 4266081](#).

All payments made to this account are considered to have been made to the Office on the date of credit to this account. Payments must indicate the international application number or, if already known, the national application number and indicate the category of the fee being paid.



Nr referință solicitant/mandatar:	Registratura OSIM (numărul și data primirii)
Numărul cererii internaționale:	
Data depozitului internațional:	
Numărul și data publicației internaționale:	

FORMULAR DE SOLICITARE A DESCHIDERII FAZEI NAȚIONALE CONFORM ART.22 ȘI ART.39 DIN TRATATUL DE COOPERARE ÎN DOMENIUL BREVETELOR

Subsemnatul.....
(denumirea/ numele și prenumele solicitantului deschiderii fazei naționale)

din.....
(sediul/domiciliu cu adresa completă) (verso*)

solicit în conformitate cu prevederile Art.30 alin.3 din HG. Nr.547 din 18.06.2008 pentru aprobarea Regulamentului de aplicare a Legii nr.64/1991 deschiderea fazei naționale ca urmare a desemnării/ desemnării și alegerii ROMÂNIEI în cererea internațională, în vederea eliberării unui brevet de invenție, pentru invenția
cu titlul:

Declar că inventatorii sunt următorii:

1).....
(nume, prenume și domiciliul inventatorului)

2).....
(nume, prenume și domiciliul inventatorului) (verso*)

și revendic prioritatea cererii(lor) anterioară(e):

ȚARA	DATA DE DEPOZIT	NUMĂRUL CERERII
------	-----------------	-----------------

1).....

2).....
(verso*)

Numesc pe.....din.....
(denumirea mandatarului autorizat)

(sediul cu adresa completă)

pentru a depune documentația necesară deschiderii fazei naționale la Oficiul de Stat pentru Invenții și Mărci, și a ne reprezenta în fața acestuia în conformitate cu prevederile mandatului cuprinse în procură.

Semnată în.....la data de.....
(orașul, țara) (ziua, luna, anul)

Anexe:

- copie a formularului cererii internaționale;
 - traducerea cererii internaționale;
 - dovada de plată a taxelor;
 - procura de reprezentare;
 - raportul de documentare;
 - raportul de examinare preliminară(dacă este cazul);
 - traducerea revendicărilor modificate(dacă este cazul);
 - alte documente:
- *Datele suplimentare vor fi menționate pe verso.

Nume, prenume
(în clar)

Semnătura
L.S.