

INTELLECTUAL PROPERTY OFFICE (SERBIA)

AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Intellectual Property Office (Serbia)

PL: The Patent Law, 2011

LR: Law Ratifying the PCT, 2004

LAP: Law on Administrative Procedures, 2010

RPL: Regulations under the Patent Law, 2012

SUMMARY**Designated
(or elected) Office****SUMMARY****RS****INTELLECTUAL PROPERTY OFFICE
(SERBIA)****RS****Summary of requirements for entry into the national phase****If grant of a national patent by the Intellectual Property Office (Serbia) is desired:**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date ¹ Under PCT Article 39(1)(a): 30 months from the priority date ¹
Translation of international application required into: ²	Serbian
Required contents of the translation for entry into the national phase: ²	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?	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: ²	Currency: Serbian dinar (RSD) For patent: Filing fee: ³ RSD 7,990 Claim fee for each claim in excess of 10: ³ RSD 780 Additional fee for late entry into the national phase: 50% of the filing fee Examination fee: ³ RSD 7,990 Annual fee for the first three years: ³ RSD 11,200 For petty patent: Filing fee: ³ RSD 7,990 Additional fee for late entry into the national phase: 50% of the filing fee

*[Continued on next page]*¹ The time limit may be extended by 30 days, provided the applicant pays the additional fee for late entry into the national phase.² Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).³ This fee is reduced by 50% where the international application is filed by a natural person.

SUMMARY**Designated
(or elected) Office****SUMMARY****RS****INTELLECTUAL PROPERTY OFFICE
(SERBIA)****RS***[Continued]*

Exemptions, reductions or refunds of the national fee:

The examination fee is reduced where an international search report or an international preliminary examination report has been established (see Annex I).

Special requirements of the Office (PCT Rule 51*bis*):⁴

Appointment of an agent if the applicant is not resident in Serbia
Instrument of assignment of the international application if the applicant has changed after the international filing date and the change has not been reflected in a notification from the International Bureau (Form PCT/IB/306)
Statement justifying the applicant's right to the patent if he is not the inventor⁵
Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau (Form PCT/IB/306)
Translation of the international application to be furnished in three copies
Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form

Who can act as agent?

Any person registered to practice as a patent agent before the Office, or any attorney-at-law registered in Serbia

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

If a European patent is desired: See European Patent Organisation (EP) in Annex B

⁴ 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.

⁵ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

THE PROCEDURE IN THE NATIONAL PHASE

- RS.01 **FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a special form for entering the national phase (see Annex RS.II). This form should preferably (but need not) be used.
- RS.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).
- RS.03 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex RS.I.
- RS.04 **POWER OF ATTORNEY.** An agent must be appointed by filing a power of attorney.
- PL Art. 40 RS.05 **ANNUAL FEES.** The first annual fee is payable for the third year following the international filing date. Payment of the annual fees for subsequent years must be made before the anniversary of the international filing date. If not made within this time limit, payment may still be made, together with a 50% surcharge, within six months after the due date. The amounts of the annual fees are indicated in Annex RS.I.
- PL Art. 103 RS.06 **REQUEST FOR EXAMINATION.** A patent will be granted only after substantive examination which must be requested. There is no special form for the request. If the applicant does not file such a request, the application for the grant of the patent shall be rejected.
- RS.07 Examination must be requested within six months of the date of receipt of the search report.
- RS.08 A request for examination is only effective if the examination fee has been paid. The amount of this fee is indicated in Annex RS.I. The examination fee is reduced where an international search report or an international preliminary examination report has been established. If the examination fee has not been paid within the time limit, payment can be made together with a surcharge for late payment within 30 days from the receipt of the invitation from the Office.
- PL Art. 90 RS.09 **PRIORITY DOCUMENT.** The priority document shall be submitted not later than up to the expiration of the period of three months from the date of entry into the national phase or 16 months from the earliest priority date claimed, whichever period expires first.
- PCT Art. 28
41
PL Art. 101 RS.10 **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 extended. The applicant may not amend the description, claims and drawing(s) before receipt of the search report. After receipt of the search report, the applicant may, of his own volition, amend the description, claims and drawing(s). Amended claims may not relate to unsearched subject-matter which does not, combined with the invention as originally claimed or the group inventions, form the single general inventive concept for which protection had originally been sought.
- PCT Art. 24(2)
48(2)
PCT Rule 82bis RS.11 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

- RS.12 The time limits for entry into the national phase, requesting substantive examination and payment of the substantive examination fee may be extended by 30 days on request and payment of a fee (see Annex RS.I).
- LAP Art. 93 RS.13 *Restitutio in integrum* may be requested where the applicant has missed a procedural time limit for performing an act in relation to the international application. The request for *restitutio in integrum* must explain the circumstances which caused the failure to comply with the time limit and at least to make them probable. The request shall also be accompanied by the document that was supposed to be submitted within the prescribed time limit when the failure to submit the document on time was the reason for demanding *restitutio in integrum*. The request must be submitted within eight days from the day on which the circumstances 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. A request for *restitutio in integrum* is acceptable only up to three months from the day when the delayed document or act was due.
- PL.Art. 73 RS.14 *Reestablishment of Rights* may be requested where the applicant has missed any time limit for performing an act in relation to the international application, resulting in the loss of rights arising from the application or granted right as a legal consequence of such omission. The applicant must file a request for the reestablishment of rights stating the reasons for the request, complete all omitted acts, submit evidence in support of the reasons, submit proof of fees payment for the request for the reestablishment of rights arising from the application or granted right. The request for the reestablishment of rights shall be filed within three months from the date on which grounds for the omission ceased to exist or, if the person who requires reestablishment of rights learned about the omission subsequently, from the date on which he found out about the omission, but not later than 12 months from the date of non-observance of the time limit or, if the request relates to the failure to pay the maintenance fee, at least 12 months from the date of expiry of the additional time limit for payment of this fee.
- PCT Art. 25
PCT Rule 51
PL Art. 67 RS.15 **REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. In the case of a negative decision by the Office during the national phase (including a request for review under PCT Article 25), the applicant may appeal to the government within 15 days from the receipt of the decision, except in certain cases, as provided by PL Art. 67. The government's decision is final but administrative dispute proceedings may be instituted against such decision within 30 days from the date of receipt of the government's decision.
- PL Art. 163
39
PCT Rules 49bis.1(a)
76.5 RS.16 **PETTY PATENT.** Subject to paragraph RS.19, if the applicant wishes to obtain, on the basis of an international application, a petty patent instead of a patent, he shall so indicate to the Office when performing the acts referred to in PCT Article 22 or 39. Petty patents may only be granted in respect of the structure of a product or layout of the components described in the application. The term of protection for a petty patent is 10 years from the international filing date of the application.
- PL Art. 164 RS.17 The national requirements for petty patents are basically the same as those for patents. However, petty patents are not examined as to novelty, inventive step and industrial applicability.
- PL Art. 163 RS.18 A petty patent may contain only one independent claim and up to four dependent claims.
- PL Art. 166 RS.19 **CONVERSION.** An international application for a patent may be converted into an application for a petty patent, and vice versa, at any time before the grant of the patent, by filing a request to that effect and paying the relevant fees (see Annex RS.I).

FEES**(Currency: Serbian Dinar)****Patents**

Filing fee ¹	7,990
Claim fee for each claim in excess of 10 ¹	780
Additional fee for late entry into the national phase	50% of the filing fee
Search fee (if there is no international search report) ¹	16,020
Examination fee ¹	7,990
Surcharge for late filing of request for examination ¹	4,810
Annual fees: ^{1, 2}	
— for the 3 rd year, counted from the international filing date	11,200
— for the 4 th year, counted from the international filing date	13,600
— for the 5 th year, counted from the international filing date	16,020
— for the 6 th year, counted from the international filing date	19,190
— for the 7 th year, counted from the international filing date	22,380
— for the 8 th year, counted from the international filing date	25,600
— for the 9 th year, counted from the international filing date	28,810
— for the 10 th year, counted from the international filing date	32,020
— for the 11 th year, counted from the international filing date.	38,450
— for the 12 th year, counted from the international filing date.	44,850
— for the 13 th year, counted from the international filing date.	51,260
— for the 14 th year, counted from the international filing date.	57,650
— for the 15 th year, counted from the international filing date.	64,050
— for the 16 th year, counted from the international filing date.	70,470
— for the 17 th year, counted from the international filing date.	76,870
— for the 18 th year, counted from the international filing date.	83,270
— for the 19 th year, counted from the international filing date.	89,670
— for the 20 th year, counted from the international filing date.	96,070
Fee for restoration of the right of priority	3,210
Fee for re-establishment of rights.	3,990

Petty patents

Filing fee ¹	7,990
Additional fee for late entry into the national phase	50% of the filing fee
Annual fees: ¹	
— for the 3 rd year, counted from the international filing date	11,200
— for the 4 th year, counted from the international filing date	13,600
— for the 5 th year, counted from the international filing date	16,020
— for the 6 th year, counted from the international filing date	19,190
— for the 7 th year to the 10 th year, counted from the international filing date, per year	22,380

¹ This fee is reduced by 50% where the international application is filed by a natural person.

² Annual fees for the maintenance of patents of addition are reduced by 30% of the indicated fee. The first annual fee is payable for the third year following the international filing date. Payment of the annual fees for subsequent years must be made before the anniversary of the international filing date. If not made within this time limit, payment may still be made, together with a 50% surcharge, within six months after the due date.

Fee for request of conversion of patent application into petty patent application, and vice-versa ³	3,210
Fee for extension of time limit: ³	
— for the first request up to 30 days	1,610
— for every subsequent request, for every month	2,400

How can payment of fees be effected?

(i) All fees must be paid to the Office.

(ii) The majority of the national fees must be paid by money order, postal transfer or bank transfer to budget account No. 840-30880845-62 (97 41-601) reference No. 97, then code with control number of the municipality of the Republic of Serbia. All payments should include the complete application number, the name of the applicant and the type of fee being paid.

³ See footnote 1.

ЗАВОД ЗА ИНТЕЛЕКТУАЛНУ СВОЈИНУ

Образац-PCT/RS

ЗАХТЕВ ЗА ПРИЗНАЊЕ ПАТЕНТА

Национална фаза поступка по међународној пријави патента -
ЗИС као назначени или изабрани Завод
(члан 22. или 39. Уговора о сарадњи у области патената - PCT)

Завод за интелектуалну својину
Кнегиње Љубице бр. 5
11000 Београд

Попуњава завод	Број пријаве: _____ (21)	Печат Завода и потпис
	П-	
	Датум пријема: _____	Признати датум подношења: _____ (22)

Попуњава подносилац пријаве	Број PCT пријаве _____ (86)	PCT/	Датум подношења PCT пријаве _____		
	Број објаве PCT пријаве (87)	WO	Датум објаве PCT пријаве _____		
	1. Подносилац пријаве: _____ (71)				
	<input type="checkbox"/> Подаци о подносиоцу/има наведени су у међународној објави или су регистровани од стране IB WIPO након међународне објаве				
	<input type="checkbox"/> Промене података о подносиоцу/има пријаве које нису регистроване од стране IB WIPO налазе се на посебном листу				
	2. Пуномоћник: _____		Телефон: _____ (74)		
			Факс: _____		
	<input type="checkbox"/> Појединачно пуномоћје достављено је у прилогу <input type="checkbox"/> Генерално пуномоћје достављено је дана _____ <input type="checkbox"/> Пуномоћје ће бити накнадно достављено		под бројем: _____		
	3. Назив проналаска: _____ (54)				
	<ul style="list-style-type: none"> • на српском језику: • на енглеском језику*: <p style="text-align: center;">*Уписати само уколико PCT пријава није поднета на енглеском језику</p>				
4. Основ за приступање по међународној пријави патента пред ЗИС					
4.1. Поступање пред ЗИС као назначеним Заводом (PCT I) засновати на следећим документима:					
<input type="checkbox"/> Међународној пријави патента објављеној од стране IB WIPO (опис, сви патентни захтеви, нацрт) и у одговарајућем случају, измењеним патентним захтевима у смислу члана 19. PCT.					
<input type="checkbox"/> Приложеном опису, патентним захтевима и нацрту <p style="text-align: center;"><i>Уколико је потребно, додатно објашњење доставити на посебном листу.</i></p>					
4.2. Поступање пред ЗИС као изабраним Заводом (PCT II) засновати на следећим документима:					
<input type="checkbox"/> Међународној пријави патента на којој је IPER заснован, и у одговарајућем случају, измењеним патентним захтевима, у смислу члана 34. PCT.					
<input type="checkbox"/> Приложеном опису, патентним захтевима и нацрту <p style="text-align: center;"><i>Уколико је потребно, додатно објашњење доставити на посебном листу.</i></p>					

5. Превод пријаве (означити одговарајући квадрат)

5.1. Поступање пред ЗИС као назначеним / изабраним Заводом (PCT I + II)

- Превод међународне пријаве патента (опис, патентни захтеви, текст на нацрту) како је оригинално поднета, апстракт како је објављен од стране ИВ WIPO и назначења која се односе на биолошки материјал, у смислу Правила 13^{bis}.3 и 13^{bis}.4 PCT, који садржи.

_____ страница описа,

_____ патентних захтева,

_____ слика нацрта

апстракт

5.2. Поступање пред ЗИС као изабраним Заводом (PCT I)

- Превод измењених патентних захтева, у смислу члана 19. PCT, уколико су измењени патентни захтеви основ за поступање пред ЗИС, који садржи _____патентних захтева.

5.3. Поступање пред ЗИС као изабраним Заводом (PCT II)

- Превод измењених патентних захтева, у смислу члана 34. PCT, уколико су измењени патентни захтеви основ за поступање пред ЗИС, који садржи _____патентних захтева.

6. Прилози:

- Извештај о међународном претраживању (ISR)
- Извештај о претходном међународном испитивању (IPER)
- Објава PCT пријаве (*PCT pamphlet*)
- Доказ о депоновању биолошког материјала
- Изјава о основу стицања права на подношење пријаве, односно изјаве у смислу Правила 51^{bis} 1 PCT
- Доказ о плаћеној такси у износу од _____дннара (_____патентних захтева, улазак у националну фазу у _____месецу)
- Остало:

Потпис и печат пуномоћника