

Belarus Patent Office (NCIP)

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Q1: FILING DATE

Q1-1 For the purpose of obtaining a filing date, an applicant may file an application on paper or “as otherwise permitted by the Office”. If your Office accepts applications filed in a form or by a means other than on paper, for the purpose of the filing date (for example, on-line filing), please provide a brief explanation regarding the acceptable form or means, and describe whether such form or means, for the purpose of the filing date, are different from the form or means applicable to applications accepted by your Office for the purpose of processing the application after according the filing date.

[Reference: PLT Article 5(1)(a)]

A1-1 Not accepted by our Office.

Forms and means are different. Any document relating to an application for granting a patent for an invention, filed before the expiration of the established time limit for its submission by facsimile or by e-mail in facsimile representation of this document, is considered to be filed in proper time if the original is submitted within one month from the date of the expiration of the established time limit. When the applicant (applicants) or their representative or other person provides on their own initiative any document by facsimile or by e-mail in facsimile representation of this document regardless of any time limit, the date of filing of this document with the Patent Office is considered to be the date of its submission in facsimile representation, if its original is submitted within one month from the date of its submission by the abovementioned means.

Q1-2 Does your Office accept a drawing as the element referred to as “a part which on the face of it appears to be a description” in PLT Article 5(1)(a)(iii)?

[Reference: PLT Article 5(1)(b)]

A1-2 No

Q1-3 For the purpose of according the filing date, a Contracting Party may require information allowing the identity of the applicant to be established or information allowing the applicant to be contacted by the Office, or the both. What is the requirement of your country?
[Reference: PLT Article 5(1)(c)]

A1-3 Both information allowing the identity of the applicant to be established and information allowing the applicant to be contacted by the Office

Q1-4 Does your Office accept evidence allowing the identity of the applicant to be established or allowing the applicant to be contacted by the Office as the element referred to in PLT Article 5(1)(a)(ii) (“indications allowing the identity of the applicant to be established or allowing the applicant to be contacted by the Office”)?
[Reference: PLT Article 5(1)(c)]

A1-4 No

Q1-5 For the filing date to be determined under PLT Article 5(6)(b), which of the optional elements referred to in PLT Rule 2(4) are required by your Office?
[Reference: PLT Rule 2(4)]

A1-5 The legislation of the Republic of Belarus does not require any of the optional elements referred to in the PLT Rule 2(4) for the filing date to be determined.

Q1-6 For a reference to a previously filed application to replace the description and any drawing for the purpose of the filing date under PLT Article 5(7), which of the requirements referred to in PLT Rule 2(5) are required by your Office?
[Reference: PLT Rule 2(5)]

A1-6 The legislation of the Republic of Belarus makes no provision for a possibility to replace the description or any drawing by a reference to a previously filed application.

Q2: REPRESENTATION

Q2-1 In addition to the procedures referred to in PLT Article 7(2)(a) and (b), are there any procedures before the Office that an applicant, owner or other interested person may carry out himself without, for example, a local representative? If yes, please list those procedures.
[Reference: PLT Article 7(2)]

A2-1 Any procedure before the Office may be carried out by an applicant himself.

Q2-2 Where a single power of attorney relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single power of attorney be filed for each application and patent?
[Reference: PLT Rule 7(2)(b)]

A2-2 Yes

Q3: FORMS AND MEANS OF COMMUNICATIONS

Q3-1 Does your Office permit the filing of communications by telegraph, teleprinter, telefacsimile or other similar means of transmittal? If yes, does your Office require that the original of such communication, accompanied by a letter identifying the earlier transmission, be filed on paper?

[Reference: PLT Rule 8(2)(c)]

A3-1 The filing of communications by telegraph, teleprinter, telefacsimile, etc. is permitted, and the original of the communications by telegraph, teleprinter, telefacsimile etc. is required

Q4: RELIEF IN RESPECT OF TIME LIMITS

Q4-1 Which form of relief in respect of time limits does your Office provide?

[Reference: PLT Article 11(1), (2) and (4)]

A4-1

Extension of time limits requested prior to the expiration of the time limit

Extension of the time limit for a reply to a request for preliminary examination of an application

Period of extension: for no longer than 3 months

Amount of fee: for each requested month of extension in USD:
up to 3 months inclusive from the date of the expiration of the time limit – 10;
from 3 to 6 months inclusive from the date of the expiration of the time limit – 30;
over 6 months from the date of the expiration of the time limit – 50

Extension of the time limit for a reply to a request for patent examination of an application

Period of extension: for no longer than 12 months

Amount of fee: for each requested month of extension in USD:
up to 3 months inclusive from the date of the expiration of the time limit – 10;
from 3 to 6 months inclusive from the date of the expiration of the time limit – 30;
over 6 months from the date of the expiration of the time limit – 50

Extension of time limits requested after the expiration of the time limit

Extension of the time limit for filing of an application with claiming of the Convention priority

Time limit to file a request for extension: before expiration of 2 months

Time limit to comply with the unfulfilled requirement: for no longer than 2 months

Amount of fee: 40 USD

Q4-2 Which actions are excluded from the relief as described in A4-1?

[Reference: PLT Article 11(3) and Rule 12(5)]

A4-2 The actions described in the PLT Rule 12(5) except for the ones provided in subparagraphs (i) and (iii) and the time limit for filing of a request for patent examination of an application.

Q5: REINSTATEMENT OF RIGHTS

Q5-1 Under which circumstance does your Office reinstate the rights of the applicant or owner as referred to in PLT Article 12? In addition, please provide a brief explanation of the applicable standard.

[Reference: PLT Article 12(1)]

A5-1 The Office may reinstate the following time limits:

1) for a reply to a request for preliminary or patent examination of an application, for filing of a request for re-examination of an application, for filing of an appeal with the Board of Appeal under the Patent Office when the following requirements are fulfilled:

filing of a request for reinstatement of the time limit missed;

execution of the respective actions;

valid excuse;

payment of the patent fee at the established rate;

2) of the effect of patent when the following requirements are fulfilled:

filing of a request for renewal of the effect of patent for invention;

payment of the patent fee at the established rate and of the fee arrears.

Q5-2 What is the time limit for making a request for reinstatement of rights?

[Reference: PLT Rule 13(2)]

A5-2 For point 1) – no later than 12 months from the day of the expiration of the respective time limit missed, for point 2) – during the term of the effect of patent.

Q5-3 Does your Office require a fee to be paid? If yes, please indicate the amount.

[Reference: PLT Article 12(3)]

A5-3 Yes

For point 1) – 50 USD;

for point 2) – 200 USD + the patent fee for keeping the patent in force for respective years for which it was unpaid – in USD:

the 1st – the 2nd – not provided,

the 3rd – the 4th – 50,

the 5th – the 6th – 75,

the 7th – the 8th – 100,

the 9th – the 10th – 125,

the 11th – the 12th – 150,

the 13th – the 14th – 175,

the 15th – the 16th – 200,

the 17th – the 18th – 225,

the 19th – the 20th – 250,

the 21st – the 25th – 350

Q5-4 Which actions are excluded from the reinstatement of rights?
[Reference: PLT Article 12(2) and Rule 13(3)]

A5-4 The actions, described in the PLT Rule 13(3) except for the ones indicated in subparagraphs (i) and (ii) in relation to failure to comply with the time limit for filing of a request for extension for a reply to a request for preliminary or patent examination, and the time limit for filing of a request for patent examination.

Q6: RESTORATION OF PRIORITY RIGHTS WHERE THE FILING OF THE SUBSEQUENT APPLICATION WAS DELAYED

The legislation of the Republic of Belarus provides for extension of the time limit for filing of an application with claiming of the Convention priority in case of its delayed filing (A4-1).

Q6-1 Under which circumstance does your Office restore the right of priority where the subsequent application was not filed within the priority period?
[Reference: PLT Article 13(2)]

A6-1

Q6-2 In order to restore the right of priority, what is the time limit within which the subsequent application shall be filed?
[Reference: PLT Rule 14(4)]

A6-2

Q6-3 Does your Office require a fee to be paid? If yes, please indicate the amount.
[Reference: PLT Article 13(4)]

A6-3

Q7: RESTORATION OF PRIORITY RIGHTS WHERE THE FILING OF A COPY OF THE EARLIER APPLICATION WAS DELAYED

Q7-1 In order to restore the right of priority where a copy of the earlier application was not filed within the time limit, does your Office require a declaration or other evidence in support of the request for restoration of priority rights?
[Reference: PLT Article 13(3) and Rule 14(6)(b)]

A7-1 No

Q7-2 Where the filing date of a copy of the earlier application was delayed (for example, a copy of the earlier application has not been filed within 16 months from the priority date), in order to enjoy restoration of priority right, what is the time limit within which such delayed copy of the earlier application shall be filed?
[Reference: PLT Rule 14(6)(b)]

A7-2 Within 2 months from the date of receipt by the applicant of a copy of the earlier application provided that the copy was requested by the applicant no later than 14 months from the date of filing of the earlier application and a request of the applicant for reinstatement of the Convention priority right is filed before the expiration of the time limit for submission of the copy (no later than 16 months from the date of filing of the earlier application).

Q7-3 Does your Office require a fee to be paid? If yes, please indicate the amount.
[Reference: PLT Article 13(4)]

A7-3 40 USD are required.

Q8: REQUEST FOR RECORDATION OF CHANGE IN NAME OR ADDRESS

Q8-1 Where a single request for recordation of change in name or address relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?
[Reference: PLT Rule 15(3)(b)]

A8-1 Yes

Q9: REQUEST FOR RECORDATION OF CHANGE IN APPLICANT OR OWNER

Q9-1 Does your Office require the following elements to be contained in the request for recordation of change in applicant or owner?

(a) A statement that the information contained in the request is true and correct

(b) Information relating to any government interest

[Reference: PLT Rule 16(1)(b)]

A9-1 Not required

Q9-2 Which documentation relating to the basis of the change is required by your Office under the following circumstances?

[Reference: PLT Rule 16(2)(a) to (c)]

A9-2 The change results from a contract:

A request for making changes in the indication of the applicant (applicants), when the right for obtaining a patent according to an agreement is assigned, is accompanied by the document justifying the payment of the patent fee at the established rate.

In the case of change of the owner the following documents are filed with the Patent Office for registration of the contract of concession of the right to invention:

a request for registration of the contract;

a contract in triplicate (2 original copies and one copy certified by the applicant);

a patent;

a warrant (in case of acting through a representative);

a document justifying the payment of the patent fee.

The change results from a merger or from the reorganization or division of a legal entity:

A request for making changes in the indication of the applicant (applicants) resulting from succession is accompanied by:
a document justifying the evidence of lapse of the right for obtaining a patent resulting from reorganization of the legal entity - applicant;
a document justifying the payment of the patent fee at the established rate.

A request for changing of the owner resulting from reorganization of the enterprise-owner is accompanied by:
a document justifying such reorganization (for instance, copies of the deed of assignment, of the separation balance sheet, copies of the constituent instrument, extracts from trade registers or their copies, other documents or their copies from which the evidence of the reorganization of the enterprise appears as obvious);
a document justifying the payment of the patent fee at the established rate.

The change results from any other ground (ex. by operation of law or a court decision):
The legislation of the Republic of Belarus makes no provision.

Q9-3 Where the change in applicant or owner is in the person of one or more but not all of several co-applicants or co-owners, does your Office require that evidence of the consent of the other co-applicants or co-owner to the change be provided to the Office?

[Reference: Rule 16(2)(d)]

A9-3 Yes (in relation to change of the applicant)

Q9-4 Where a single request for recordation of change in applicant or owner relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?

[Reference: PLT Rule 16(5)]

A9-4 Yes (in relation to change of the applicant)

Q10: REQUEST FOR RECORDATION OF A LICENSE OR A SECURITY INTEREST

The legislation of the Republic of Belarus makes no provision for accordance of licenses in relation to applications.

Q10-1 May a license or a security interest in respect of a patent application or a patent be recorded under the law of your country?

[Reference: PLT Rule 17(1)]

A10-1 Recordation of a license: Yes
Recordation of a security interest: No

Q10-2 Does your Office require the following elements to be contained in the request for recordation of a license (or a security interest)?

- (a) A statement that the information contained in the request is true and correct
- (b) Information relating to any government interest by your country
- (c) Information relating to the registration of the license (security interest)
- (d) The date of the license (security interest) and its duration

[Reference: PLT Rule 17(1)(b)]

A10-2 Not required

Q10-3 Which documentation relating to the basis of the license (or security interest) is required by your Office under the following circumstances?

[Reference: PLT Rule 17(2)]

A10-3 The license (security interest) is a freely concluded agreement:

For registration of the license agreement:

a request for registration of the agreement;

the agreement in triplicate (2 original copies and one copy certified by the applicant);

a warrant (in case of acting through a representative);

a document justifying the payment of the patent fee.

The license (security interest) is not a freely concluded agreement (ex. operation of law or a court decision):

The legislation of the Republic of Belarus does not establish the list of documents.

Accordance of the compulsory license is not practiced.

Q10-4 Where the license (or security interest) is a freely concluded agreement, does your Office require that any applicant, owner, exclusive licensee, co-applicant, co-owner or co-exclusive licensee who is not party to that agreement give his/her consent to the recordation of the agreement?

[Reference: Rule 17(2)(d)]

A10-4 Not required

Q10-5 Where a single request for recordation of a license (or security interest) relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?

[Reference: PLT Rule 17(5)]

A10-5 Yes

Q11: REQUEST FOR CORRECTION OF A MISTAKE

Q11-1 Does your Office prescribe the following requirements with respect to a request for correction of a mistake?

(a) The request shall be accompanied by a replacement part or a part incorporating the correction

(b) The request shall be subject to a declaration by the requesting party stating that the mistake was made in good faith

(c) The request shall be subject to a declaration by the requesting party stating that such request was made without undue delay following the discovery of the mistake

(d) The request shall be subject to a declaration by the requesting party stating that such request was made without intentional delay following the discovery of the mistake

[Reference: PLT Rule 18(1)(b) to (d)]

A11-1 The request shall be accompanied by a replacement part or a part incorporating the correction

If corrections concern misprints, mistakes in the indication of bibliographic data and if correction of the document will not result in negative effects in relation to legibility during

direct reproduction, the necessity of making changes may be expressed in the letter of the applicant (applicants) without providing replacing sheets.

Q11-2 Where a single request for the correction of a mistake relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?

[Reference: PLT Rule 18(3)]

A11-2 Yes (in relation to applications)

[End of questionnaire]