

## **EURASIAN PATENT ORGANIZATION**

With reference to discussion at the sixth session of the SCP we inform you of existing practice and planned relief mechanisms for patent applicants and owners affected by “force majeure” circumstances.

### Existing practice

There are not special provisions in the Eurasian Patent Law concerning relief for applicants and patentees affected, in particular, by the terrorist attacks or other circumstances beyond their control. However, the applicants and owners are entitled to restore rights contingent on time limits.

Where the applicant or owner fails to meet a time limit prescribed by the Eurasian Office for performing a procedural act with a view to obtaining a Eurasian patent, the Eurasian Office may yet restore his rights provided that he presents legitimate reasons for the delay and pays the prescribed additional fee. Decisions concerning whether a reason is legitimate are made on a case-by-case basis. The request for restoration of rights contingent on a time limit shall be filed by the applicant, and the pending act performed, no later than four months after the expiration of the time limit in question.

The Eurasian Patent Office is ready to render assistance of applicants or their representatives who failed to meet requirements applicable procedures in consequence of the terrorist attacks all over the world.

### Planned relief mechanisms

At its meeting on 15-19 October 2001 the Administrative Council of the Eurasian Patent Organization has adopted amendments to the EAPO Patent Regulations taking into account the Patent Cooperation Treaty (with amendments adopted at XIII PCT session) and the Patent Law Treaty (PLT 2000). In accordance with the decisions of the Administrative Council the above amendments and additions to said EAPO normative legislation Acts will come into force as of March 1st, 2002.

The amendments also include provisions concerning the relief in respect of time limits (Article 11 PLT 2000) and reinstatement of rights after a finding of due care or unintentionality by the Office (Article 12 PLT 2000).