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Questionnaire Regarding the Implementation of the Patent Law Treaty (PLT)

January 2015

This questionnaire is intended to gather information on how the PLT is implemented at the national/regional level, and to share such information with current and future PLT Contracting Parties, as well as with patent practitioners and the public.

The national and regional patent offices of the PLT Contracting States are invited to complete this questionnaire.

The completed questionnaire should be returned by any of the following means:

- e-mail : plt.forum@wipo.int
- facsimile : +41-22-338-8830
- mail : WIPO, 34, chemin des Colombettes, 1211 Geneva, Switzerland

Please provide contact details:

Country/Name of Office: Bosnia and Herzegovina
Institute for Intellectual Property of Bosnia and Herzegovina
.....

Name: **Josip Merdžo**.....

Title: **Director**.....

Telephone: **+387 36 33 43 81**.....

E-mail: **j_merdzo@ipr.gov.ba**.....

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 **The patent application is submitted in paper form, directly or by regular mail, so that the request for patent application is submitted in two copies and the other components of the application in one copy. The patent application can also be submitted by fax or to the Institute's official e-mail, provided that it is submitted in paper form within fifteen days of its receipt (by e-mail or fax) at the Institute.**.....

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

Yes

No

Q1-3 For the purpose of according the filing date, a Contracting Party shall 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 Information allowing the identity of the applicant to be established
- Information allowing the applicant to be contacted by the Office
- 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 Yes 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 A copy of the earlier application
- A copy of the earlier application and its filing date, certified as correct
- A translation of the earlier application
- The missing part of the description or missing drawing must be completely contained in the earlier application
- The application must contain an indication that the contents of the earlier application were incorporated by reference
- An indication as to where the missing part of the description or the missing drawing is contained in the earlier application or in the translation

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 reference to a previously filed application must indicate the filing date of the previously filed application
- A copy of the previously filed application
- A copy of the previously filed application, certified as correct
- A translation of the previously filed application
- The reference mentioned in PLT Article 5(7)(a) shall be to a previously filed application that has been filed by the applicant or his predecessor or successor in title

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)]

A foreign natural person and legal entity may perform the following acts by themselves without a representative:

- a) file patent applications,
 - b) undertake other acts related to the accordance of the filing date of a patent application,
 - c) file copies of the first patent application when claiming priority right
 - d) receive notifications communicated by the Institute in connection with the procedures referred to in items a) to c)
 - e) pay taxes and special procedural charges
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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 No

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 not permitted
- The filing of communications by telegraph, teleprinter, telefacsimile etc. is permitted, and the original of the communications by telegraph, teleprinter, telefacsimile etc. is required
- The filing of communications by telegraph, teleprinter, telefacsimile etc. is permitted, and the original of the communications by telegraph, teleprinter, telefacsimile etc. is not 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
- Period of extension: At the reasoned request of the applicant, the Institute may extend the time limits for a period it deems justified, but not for more than three months.....
- Amount of fee: 45KM.....
- Extension of time limits requested after the expiration of the time limit
- Time limit to file a request for extension:
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- Time limit to comply with the unfulfilled requirement:
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- Amount of fee:

Continued processing

Time limit to file a request for continued processing: **The time limit for filing the request or performing the omitted acts may not be longer than two months from the date of expiration of the time limit prescribed by the Law and arising of legal consequences**

Time limit to comply with the unfulfilled requirement:

Amount of fee: **600KM**.....

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 A request for the continued processing may not be filed in the case of failure to comply with the time limit:

- a) the time limit for filing the request for the continued processing
- b) for filing the request regarding Priority Claim and Correction or Addition of Priority Claim
- c) for the filing of the proposal regarding Reinstatement of Rights
- d) for all the acts in the appellate procedure,
- e) for all the acts in procedures before the Institute involving several parties.

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 Failure to comply with the time limit occurred in spite of due care required by the circumstances having been taken
- Failure to comply with the time limit was unintentional

If the applicant or the holder of a patent or of a consensual patent, despite due care required by the circumstances, failed to perform an act in the procedure before the Institute within a time limit prescribed by Patent Law, the direct consequence of which was a loss of rights conferred by the patent application or the patent or the consensual patent, the Institute shall authorize the reinstatement of rights, provided that the applicant:

- a) files a proposal for the reinstatement of rights,
- b) indicates the circumstances that prevented him from performing the omitted act within time limit,
- c) pays the fee and charges in accordance with the Patent Law. The Institute shall issue a conclusion on the authorization for the reinstatement of rights.

Q5-2 What is the time limit for making a request for reinstatement of rights?
 [Reference: PLT Rule 13(2)]

A5-2 A proposal for the reinstatement of rights shall be filed within three months, counting from the day when the reason for failure ceased to exist, and if the applicant learnt of the failure later, then from the day when he learnt thereof. The proposal for the reinstatement of rights may not be filed after the expiration of the period of one year from the date of the failure to comply with the time limit.

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 Amount:**300KM**..... No

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

- A5-4 A proposal for the reinstatement of rights may not be filed in connection with the failure to comply with the time limit for the following acts:
- a) the time limit for filing the request for reinstatement of rights
 - b) filing of a request for the extension of a time limit,
 - c) for filing the request regarding Priority Claim and Correction or Addition of Priority Claim
 - d) filing of one of the 3 requests within six months from the date of publication of a patent application in the Official Gazette: a request for: 1) the grant of patent by means of carrying out substantive examination of the patent application or 2) the grant of patent on the basis of submitted results of the substantive examination of the patent application, as accepted. or 3) the deferment of the procedure of the substantive examination of the patent application and the grant of consensual patent.
 - e) filing of the opposition to the Application for the Grant of a Consensual Patent accompanied by evidence of the payment of procedural charges for the substantive examination procedure
 - f) filing of the proposal for the continued processing
 - g) filing of the translation of the application into one of the official languages of Bosnia and Herzegovina if the application has been drafted in a foreign language
 - h) performing all the acts in the appeal procedure,
 - i) performing all the acts in procedures before the Institute, involving several parties.
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Q6 Restoration of Priority Rights Where the Filing of the Subsequent Application was Delayed

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 Failure to file the subsequent application within the priority period occurred in spite of due care required by the circumstances having been taken
- Failure to file the subsequent application within the priority period was unintentional

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 The patent applicant may file a request for the restoration of priority right and such request may be filed within two months from the date of expiration of the priority period
 The patent applicant may file a request for the correction or addition of a priority claim within sixteen months from the priority date or if the correction or addition would cause a change in the priority date, sixteen months from the priority date as changed, whichever sixteen-month period expires first, provided that such a request is filed within four months from the filing date of the patent application. ..

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

A6-3 Yes. 60KM

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

Yes

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 **The patent applicant may file a request for the restoration of priority right and such request may be filed within two months from the date of expiration of the priority period**

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Q7-3 Does your Office require a fee to be paid? If yes, please indicate the amount.

[Reference: PLT Article 13(4)]

A7-3 Yes, **60KM**

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

No

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?

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

A9-1 A statement that the information contained in the request is true and correct

Information relating to any government interest

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:

Request to enter a change in the registers:

(1) The procedure for entering a change in the registers kept at the Institute is initiated in writing by request on a completed form.

(2) Along with the request the following document shall be submitted: a) proof of the legal basis of the change for which entry in the register is requested (contract, public document or statement) if there has been a change in the person who is the applicant and holder patent, b) proper power of attorney if the procedure for registering the change is initiated through mediation representative, c) proof of the paid fee and costs of the procedure.

(3) Contract or public document proving the legal basis of the requested change entry in the registers shall be submitted in the original or certified copy, in whole or in part from which it is clearly visible that the change has been made. To change a name or address, it is sufficient to submit a certified copy of the proof of the change made along with a translation into one of the official languages of Bosnia and Herzegovina.

(4) The contract, public document or statement from must be translated into one of the official languages of Bosnia and Herzegovina.

New power of attorney if it the data on the applicant or patent holder changed

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

Request to enter a change in the registers:

(1) The procedure for entering a change in the registers kept at the Institute is initiated in writing by request on a completed form.

(2) Along with the request the following document shall be submitted: a) proof of the legal basis of the change for which entry in the register is requested (contract, public document or statement) if there has been a change in the person who is the applicant and holder patent, b) proper power of attorney if the procedure for registering the change is initiated through mediation representative, c) proof of the paid fee and costs of the procedure.

(3) Contract or public document proving the legal basis of the requested change entry in the registers shall be submitted in the original or certified copy, in whole or in part from which it is clearly visible that the change has been made. To change a name or address, it is sufficient to submit a certified copy of the proof of the change made along with a translation into one of the official languages of Bosnia and Herzegovina.

(4) The contract, public document or statement from must be translated into one of the official languages of Bosnia and Herzegovina.

New power of attorney if it the data on the applicant or patent holder changed

The change results from any other ground (ex. by operation of law or a court decision):

Court decision proving the legal basis of the requested change entry in the registers shall be submitted in the original or certified copy, in whole or in part from which it is clearly visible that the change has been made. To change a name or address, it is sufficient to submit a certified copy of the

proof of the change made along with a translation into one of the official languages of Bosnia and Herzegovina.

The Court decision public document or statement from must be translated into one of the official languages of Bosnia and Herzegovina. New power of attorney if it the data on the applicant or patent holder changed

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 No

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 No

Q10 Request for Recordation of a License or a Security Interest

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 No
 Recordation of a security interest Yes No

If one or both of the answers is(are) "Yes", please plocceed to Q10-2. If both answers are "No", please skip to Q11.

Q10-2 Does your Office require the following elements to be contained in the request for recordation of a licence (or a security interest)?
[Reference: PLT Rule 17(1)(b)]

A10-2 A statement that the information contained in the request is true and correct
 Information relating to any government interest by your country
 Information relating to the registration of the license (security interest)
 The date of the license (security interest) and its duration

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:
Request to enter a change in the registers:

(1) The procedure for entering a change in the registers kept at the Institute is initiated in writing by request on a completed form.

(2) Along with the request the following document shall be submitted: a) proof of the legal basis of the change for which entry in the register is requested (contract, public document or statement) if there has been a change in the person who is the applicant and holder patent, b) proper power of attorney if the procedure for registering the change is initiated through mediation representative, c) proof of the paid fee and costs of the procedure.

(3) Contract or public document proving the legal basis of the requested change entry in the registers shall be submitted in the original or certified copy, in whole or in part from which it is clearly visible that the change has been made. To change a name or address, it is sufficient to submit a certified copy of the proof of the change made along with a translation into one of the official languages of Bosnia and Herzegovina.

(4) The contract, public document or statement from must be translated into one of the official languages of Bosnia and Herzegovina.

New power of attorney if it the data on the applicant or patent holder changed

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

Compulsory License

(1) If the right holder refuses to assign the right to the economic exploitation of a protected invention in Bosnia and Herzegovina or imposes unreasonable conditions for such an assignment without having made effective and serious preparations for the exploitation thereof in Bosnia and Herzegovina, the Court of Bosnia and Herzegovina may grant a compulsory license at the request of an interested party. In such a case, the right holder shall be informed of the grant of the compulsory license within a shortest possible time limit.

(2) The request for the grant of a compulsory license may be filed after the expiration of the four-year period from the filing date of a patent application or after the expiration of the three-year time limit from the date of the grant of a patent, whichever of these two time limits expires later.

(3) A compulsory license may be granted only if the person filing the request unsuccessfully attempted, within a reasonable period of time, to obtain authorization from the patent holder for the exploitation of the protected invention on reasonable commercial terms and conditions.

(4) A compulsory license may not be granted if the patent holder proves the existence of legitimate reasons justifying non-exploitation or insufficient exploitation of the protected invention.

(5) At a reasoned request, the Court of Bosnia and Herzegovina may grant a compulsory license for somebody else's patent to the patent holder who cannot exploit his protected invention without infringing somebody else's patent.

Compulsory License in Public Interest

(1) The Council of Ministers of Bosnia and Herzegovina (hereinafter referred to as the Council of Ministers) may grant a compulsory license if the exploitation of the invention protected by a patent is necessary due to national emergencies for the purpose of: a) State security, b) protection of public interest in the field of health and nutrition, c) protection and improvement of human environment, d) special interest in a particular branch of economy or where it is necessary to correct practices determined in a judicial or administrative process to be uncompetitive.

(2) In the case of semi-conductor technology, a compulsory license may be granted only in the cases referred to in paragraph (1)

Request to enter a change in the registers:

Court decision or the Council of Ministers of Bosnia and Herzegovina decision proving the legal basis of the requested change entry in the registers shall be submitted in the original or certified copy, in whole or in part from which it is clearly visible that the change has been made. To change a name or address, it is sufficient to submit a certified copy of the proof of the change made along with a translation into one of the official languages of Bosnia and Herzegovina.

The Court decision public document or statement from must be translated into one of the official languages of Bosnia and Herzegovina. New power of attorney if it the data on the applicant or patent holder changed

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 Q10-4 Where the licence (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)(b)]

A10-4 **The conclusion of a contract on the assignment of rights as well as a license contract requires the consent of all the holders of rights**.....

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 No

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?
 [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
- The request shall be subject to a declaration by the requesting party stating that the mistake was made in good faith
- 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
- 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

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 No

[End of questionnaire]