

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: **Republic of Belarus**

Name: **National Center of Intellectual Property (Belarus)**

Title: **20, Kozlova str., 220034, Minsk, Republic of Belarus**.....

Telephone: **(375-17) 272 46 96**.....

E-mail: icd@ncip.by; ncip@ncip.by

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 **A paper-based application** is filed directly in the National Center of Intellectual Property or sent by regular mail to the following address: 220034, Minsk, Kozlov str., 20.

An electronic application is filed via an automated information system “Internet-portal for electronic filings for industrial property objects approved by the Regulation of the Council of Ministers of the Republic of Belarus as of June 23, 2022 No.406 “On interaction with the patent body”. Filing an application is enabled by registration on the Portal at <https://www.ncip.by/o-centre/elektronnaya-podacha-zayavki-na-obekty-promyshlennoy-sobstvennosti/> and being in possession of an electronic signature

In accordance with the p.1 of the Article 16 of the Law the application date is set according with the documents submission date to the National Patent Office necessary for priority setting, i.e. the date of claim, description and drawing submission if there is reference to them in these documents. Should these documents be non-simultaneously submitted then the application date will be the date of the last document submission.

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

In accordance with p.5 of the Article 1 of the Law any drawing is a filing application document, though is only used for explaining the claim of invention (utility model) and understanding essential features of filed invention (utility model), though necessary for setting priority of application filing (p.1 of the Article 16 of the Law). According with the legislation of the Republic of Belarus a drawing/illustration cannot be considered as description of invention.

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

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 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

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 submitting the application to the Office can 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 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.

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

Period of extension:
Amount of fee:

Extension of time limits requested after the expiration of the time limit
Time limit to file a request for extension:
.....
Time limit to comply with the unfulfilled requirement:
.....
Amount of fee:

Continued processing
Time limit to file a request for continued processing:
.....
Time limit to comply with the unfulfilled requirement:
.....
Amount of fee:

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 BYN (01 January 2024): up to 3 months inclusive from the date of the expiration of the time limit – 28 BYN
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 BYN (01 January 2024):
up to 3 months inclusive from the date of the expiration of the time limit – 28 BYN;
from 3 to 6 months inclusive from the date of the expiration of the time limit – 56 BYN;
over 6 months from the date of the expiration of the time limit – 98 BYN.

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: 84 BYN.

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 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

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

- 1) in 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 of the Patent Office when the following requirements are fulfilled:
 filing of a request for reinstatement of the missing time limit;
 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 debt.

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 missing time limit,
 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 Amount: No

For point 1) – 200 BYN;
 for point 2) – 378 BYN + the patent fee for keeping the patent in force for respective years for which it was unpaid – in BYN:
 the 1st – the 2nd – not provided,
 the 3rd – the 4th – 98,
 the 5th – the 6th – 140,
 the 7th – the 8th – 196,
 the 9th – the 10th – 238,
 the 11th – the 12th – 280,
 the 13th – the 14th – 336,
 the 15th – the 16th – 378,
 the 17th – the 18th – 434,
 the 19th – the 20th – 476,
 the 21st – the 25th – 644

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

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
 Should unforeseen circumstances occur and prevent the applicant from filling an application, for which a Convention priority right is requested, at a specified period then this period can be extended by the Office upon the applicant's request but not longer than two months (p.3 of the Article 16 of the Law).

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. 84 BYN

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 Within 2 months from the date of receipt by the applicant of an earlier application copy 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)*]

A7-3 200 BYN

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

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:.....
.....
.....

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

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

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 concession contract 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 (e.g. 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 No

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

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

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

In relation to a change in the owner of a patent, it is allowed to indicate several patents in one application

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 Yes No
 Yes No

If one or both of the answers is(are) "Yes", please proceed 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:

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

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

For registration of the license agreement: a request for registration of the agreement; copy of the agreement;

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 signed agreement (e.g. 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 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 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 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

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

No

[End of questionnaire] [Конец анкеты]