

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: Finland/Finnish Patent and Registration Office

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Name: Noora Laine

Title: Legal counsel.....

Telephone: +358 503545029

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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

We accept on-line filing

Electronic filing

National Procedures:

- National applications, FI
- EP Validations, FI-EP
- National phase for PCT applications, FI-PCT

Requirements:

- Epline Online Filing
- Online patent application for national applications
- ePCT service

Supported authentication methods

- Epoline Online Filing: Smart Cards
 - o EPO smart card
 - o Finnish Citizen Certificate and Organizational Card, both issued by the Finnish Digital and Population Data Services Agency (DVV)
- Online patent application for Finnish applications
 - o Finnish national strong digital authentication methods (Suomi.fi)
- ePCT
 - o Methods provided by WIPO as the service provider

- All smart cards must be registered with the Finnish Patent Office before they can be used for filing documents.

Other Supported Procedures EP1001E, PCT/RO/101

Customer Service may be contacted:

Monday to Friday, 9.00–15.00 hrs (CET).

by phone at +358 29 509 5858

by e-mail at neuvonta.patentti@prh.fi

Further information:

<https://www.prh.fi/en/patentti/servicesanddatabases/onlineapplication.html>

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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

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- 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)]

A2-1 No other procedure applicable.....

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: 2 months generally
 Amount of fee: none
- 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: 4 months from the expiration of the time limit
 Time limit to comply with the unfulfilled requirement: 4 months from the expiration of the time limit
 Amount of fee: 90 €, subsequent requests 160 €

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 Actions under Rule 12(5)(ii) to (vi)

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

The national law does not define the criterion of "due care". It is considered in the light of each individual case, taking into account specific circumstances of the case. The claim for restoration can be accepted for example when it is well documented that full reliable office routines are set in place and these routines are being handled by qualified staff and a double checking system are set in place. Then the non-observance of a time limit is caused by a human mistake in spite of the system set in place. Another example is a sudden illness.

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

[Reference: PLT Rule 13(2)]

A5-2 Within 2 months of the time at which the cause of non-compliance ceases, and in any event no later than one year after the expiration of 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: 500 €..... No

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

A5-4 An action before the board of appeal, request for reinstatement, inter partes proceedings

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 Two months from the date on which the priority period expired.....

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, 500 €.....

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 copy of the earlier application shall be filed within two months of the time at which the cause of non-compliance ceases, and in any event not later than one year after expiration of the time limit (16 months from the priority date).

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, 500 €.....

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 not applicable

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: certificate of transfer, copy of the contract or extract of a copy of the contract.....

The change results from a merger or from the reorganization or division of a legal entity:
 a copy of an extract from a register of commerce

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

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 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: copy of the license agreement or copy of the relevant part of the license agreement.....

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

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 yes.....

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]