

Hungary

With reference to document SCP/6/7 which is based on a proposal made by the US Delegation we kindly inform you of the following:

Law No. XXXIII of 1995 on the Protection of Inventions by Patents and Law No. XI of 1997 on the Protection of Trademarks and Geographical Indications do not provide for special provisions on the relief.

However, both Laws contain provisions on *restitutio in integrum*; in patent matters and in trademark matters a request for *restitutio in integrum* may be submitted where the failure to comply became known to the party subsequently or the cause thereof was removed subsequently, the time limit shall be reckoned from the date on which the failure to comply became known or the cause thereof was removed. The request for *restitutio in integrum* shall only be admissible within six months of the time limit not complied with or the last day of the period not complied with.

Where a time limit is not complied with, the omitted act must be carried out simultaneously with the filling of the request for *restitutio in integrum* or - if admissible (for example “force majeure” circumstances) - an extension of the time limit may be requested.

The Hungarian Patent Office does not require any declaration or other evidence proving the “force majeure” circumstances.

Furthermore, Hungary will in all likelihood ratify the Patent Law Treaty (PLT) in 2002.