

ACT*

AMENDING THE ACT
ON THE ADMINISTRATIVE FEES
IN THE FIELD OF
INTELLECTUAL PROPERTY RIGHTS

ORDINANCE**

AMENDING THE ORDINANCE
ON SPECIAL CHARGES AND
CHARGES FOR INFORMATION
SERVICES PROVIDED BY
THE STATE INTELLECTUAL
PROPERTY OFFICE

*(NN 160/2004 - applied as from November 26, 2004)

** (NN 187/2004 - applied as from January 7, 2005)

Zagreb, November 2005

ACT AMENDING THE ACT ON THE ADMINISTRATIVE FEES IN THE FILED OF INTELLECTUAL PROPERTY RIGHTS

Article 1

In the Act on the Administrative Fees in the Filed of Intellectual Property Rights («Official Gazette» No 64/00), paragraph 1 of Article 1 is amended to read:

“This Law shall regulate payment of the administrative fees (hereinafter: the fees) for actions done in the procedures for the grant and maintenance of the industrial property rights according to the Patent Act, Trademark Act, Industrial Design Act, Act on Geographical Indications and Designations of Origin of Products and Services and Act on the Protection of Topographies of Semiconductor Products, in the procedures of entry in the Register of Representatives in the field of industrial property rights and for the grant of authorizations for the management of copyright and related rights pursuant to the Copyright and Related Rights Act, as well as the method of establishing special charges for providing information services by the State Intellectual Property Office (hereinafter: the Office).”

Article 2

In paragraph 4 of Article 8, a word “decision” shall be replaced by a word “decision”.

Article 3

Paragraph 2 of Article 10 is amended to read:

“In the case referred to in paragraph 1 of this Article, a procedure for the refund of a fee or of a portion thereof, shall be instituted at the request of a party.”

Article 4

The Tariff of Administrative Fees shall be amended to read:

TARIFF OF ADMINISTRATIVE FEES

1. PATENTS

Payment of HRK:

Tariff No. 1.1

Filing of a patent application	100,00
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N.B.

An applicant who is also the inventor shall pay the fee under this tariff number in the amount reduced by 75%.

Tariff No. 1.2

Request for the publication of a patent application prior to the expiration of 18 months from the filing of the application	80,00
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Tariff No. 1.3

Request for the grant of a patent:

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|---|--------|
| 1. By carrying out substantive examination procedure | 100,00 |
| 2. On the basis of the filed substantive examination results | 80,00 |
| 3. Without substantive examination (consensual patent) | 60,00 |
| 4. By carrying out substantive examination procedure, if the request is filed on the opposition to the grant of a consensual patent | 25,00 |

Tariff No. 1.4	
Opposition to a published request for the grant of a consensual patent	75,00
Tariff No. 1.5	
Proposal for the reinstatement of rights	150,00
Tariff No. 1.6	
Request for the issue of a Supplementary Protection Certificate	150,00
Tariff No. 1.7	
Proposal for the declaration of nullity of a Supplementary Protection Certificate	150,00
Tariff No. 1.8	
Proposal for the revocation of a decision on the patent grant	90,00
Tariff No. 1.9	
Request for the subsequent grant of a patent	150,00

2. TRADEMARKS

Payment of HRK:

Tariff No. 2.1	
Application for the registration of a trademark:	
1. Individual trademark	100,00
2. Collective or guarantee trademark	200,00
Tariff No. 2.2	
Request for the division of an application or the registration of a trademark	75,00
Tariff No. 2.3	
Opposition to the registration of a trademark	100,00
Tariff No. 2.4	
Request for the revocation of a trademark	150,00
Tariff No. 2.5	
Request for the renewal of registration for a period of 10 years:	
1. Individual trademark	125,00
2. Collective or guarantee trademark	250,00

N.B.

Where the fees under this tariff number are payable within an additional 6-month period, the prescribed amounts shall be doubled.

3. INDUSTRIAL DESIGNS

Payment of HRK:

Tariff No. 3.1	
Request for the registration of an industrial design:	
1. Basic fee	50,00
2. Additional fee for any subsequent design contained in a multiple application	20,00

N.B.

An applicant who is also the designer shall pay the fees under this tariff number in the amounts reduced by 50%.

Tariff No. 3.2

Request for the deferment of publication of the registration of an industrial design 60,00

Tariff No. 3.3

Request for the division of an industrial design application 50,00

Tariff No. 3.4

Request for the renewal of protection of an industrial design for a 5-year period:

1. One industrial design 60,00
2. Any subsequent design contained in a multiple application 25,00

N.B.

Where the fees under this tariff number are payable within the additional 6-month period, the prescribed amounts shall be doubled.

3a. INDUSTRIAL DESIGNS

Payment of HRK:

Tariff No. 3a.1

Request for the registration of an industrial design:

1. Basic fee 50,00
2. Additional fee for any subsequent design contained in a multiple application 20,00

N.B.

An applicant who is also the designer shall pay the fees under this tariff number in the amounts reduced by 50%.

Tariff No. 3a.2

Request for the deferment of publication of an industrial design application 60,00

Tariff No. 3a.3

Request for the publication of the description of an industrial design 20,00

Tariff No. 3a.4

Request for the division of an industrial design application 50,00

Tariff No. 3a.5

Opposition to a published industrial design application 75,00

Tariff No. 3a.6

Request for the renewal of the granted right for a 5-year period:

1. One industrial design 60,00
2. Any subsequent design contained in a multiple application 25,00

N.B.

Where the fees under this tariff number are payable within the additional 6-month period, the prescribed amounts shall be doubled.

4. GEOGRAPHICAL INDICATIONS AND DESIGNATIONS OF ORIGIN OF PRODUCTS AND SERVICES

Payment of HRK:

Tariff No. 4.1

Request for the entry of a geographical indication

or a designation of origin in the register		150,00
	Tariff No. 4.2	
Opposition to a published application		200,00
	Tariff No. 4.3	
Request for the acquisition of the right of use of a geographical indication, or a designation of origin, and the entry in the Register of users		100,00
	Tariff No. 4.4	
Request for the renewal of the right of use of a geographical indication, or a designation of origin for a period of 10 years, and the publication of the entry in the register, per user		100,00
	Tariff No. 4.5	
Request for the renewal of the right of use of a geographical indication, or a designation of origin for a period of 10 years, and the publication of the entry in the register, a single fee for all users		250,00
<i>N.B.</i>		
<i>Where the fees under tariff numbers 4.4 and 4.5 are payable within the additional 6-month period, the prescribed amounts shall be doubled.</i>		
	Tariff No. 4.6	
Request for the revocation of a decision on the right of use		200,00

5. TOPOGRAPHIES OF SEMICONDUCTOR PRODUCTS

Payment of HRK:

	Tariff No. 5.1	
Topography application		150,00

6. REPRESENTATION IN THE FIELD OF INDUSTRIAL PROPERTY RIGHTS

Payment of HRK:

	Tariff No. 6.1	
Request for the entry in the Register of Representatives		500,00
	Tariff No. 6.2	
Request for the renewal of entry in the register, per year		300,00

7. COPYRIGHT AND RELATED RIGHTS

Payment of HRK:

	Tariff No. 7.1	
Request for the grant of an authorization for performing collective management of copyright		400,00
	Tariff No. 7.2	
Request for the grant of an authorization for performing collective management of the rights related to copyright		400,00

8. COMMON ITEMS

	Payment of HRK:
Tariff No. 8.1	
Request for the issue of a Certificate of Priority	80,00
Tariff No. 8.2	
Request for the issue of an excerpt from the register, per excerpt	50,00
Tariff No. 8.3	
Request for the entry of changes in registers	75,00
Tariff No. 8.4	
Request for the declaration of invalidity (nullity) of a patent/trademark/ industrial design/geographical indication/designation of origin/ topography of semiconductor product	100,00
Tariff No. 8.5	
Request for the extension of a time limit:	
1. Initial request	50,00
2. Any subsequent request	100,00
Tariff No. 8.6	
Proposal for the reinstatement of rights	75,00
Tariff No. 8.7	
Proposal for the renewal of procedure	150,00
Heading No 8.8	
Notice inviting a party to pay the prescribed fee	50,00
Tariff No. 8.9	
Filings not subject to any fees prescribed by this Tariff 50,00	

Article 5

The Government of the Republic of Croatia shall harmonise the Regulation on Special Charges and Charges for Information Services Provided by the Office with the provisions of this Act within 30 days from the date of its entry into force.

Article 6

This Law shall enter into force on the eight day following its publication in the "Official Gazette".

Class: 012-01/04-01/02

Zagreb, 5 November 2004

ORDINANCE AMENDING THE ORDINANCE ON SPECIAL CHARGES AND CHARGES FOR INFORMATION SERVICES PROVIDED BY THE STATE INTELLECTUAL PROPERTY OFFICE

Article 1

In the Ordinance on Special Charges and Charges for Information Services Provided by the State Intellectual Property Office (Official Gazette No. 86/00), Article 1 paragraph 1 is amended to read:

«This Ordinance shall regulate the payment of special charges and charges for information services (hereinafter: charges) for actions done in the procedures for the grant and maintenance of the industrial property rights according to the Patent Act, Trademark Act, Industrial Design Act, Act on Geographical Indications and Designations of Origin of Products and Services and Act on the Protection of Topographies of Semiconductor Products, in the procedures of entry in the Register of Representatives in the field of industrial property rights and for the grant of authorizations for the collective management of copyright and related rights pursuant to the Copyright and Related Rights Act, carried out by the State Intellectual Property Office (hereinafter: the Office).»

Article 2

In Article 4, paragraph 3. is deleted, and new paragraphs 3, 4 and 5 are added to read:

“If the charges have not been paid at the time of filing, or if they have not been paid in the prescribed amount, the Office shall invite a party to pay the prescribed charges within the time limit which shall not be less than 15 days and not more than 60 days from the date of receipt of the invitation.

If, following the invitation of the Office, the Party pays the charges referred to in paragraph 1 of this Article, the charges shall be deemed to be paid ab initio.

If, following the invitation of the Office, the Party fails to pay the charges referred to in paragraph 1 of this Article, the filing shall be rejected by a conclusion.

Article 3

The Tariff of Special Charges and Charges for the Provision of Information Services is amended to read:

“II. TARIFF OF SPECIAL CHARGES AND CHARGES FOR THE PROVISION OF INFORMATION SERVICES

1. PATENTS

Payment of HRK:

Tariff No. 1.1

Filing of a patent application including the two initial years of maintenance:

- | | |
|--|-----------|
| 1. Basic charge | 1.200,00 |
| 2. Each page of an application that exceeds 30 pages | 5,00 |
| 3. Each patent claim in excess of | 10, 10,00 |

N.B.

- 1. If the identical text of an application has been also filed in the electronic form (on magnetic units, such as diskettes, CD-ROMs, DVDs), the charges under this tariff number shall be paid in the amounts reduced by 50%.*
- 2. If the publication of a patent application is requested prior to the expiration of 18 months from the filing date of the application, the amount of charges under this tariff number shall be doubled.*

Tariff No. 1.2	
Examination of compliance with the requirements for the grant of a patent:	
1. On the basis of carrying out a substantive examination procedure (Article 37 of the Patent Act)	3.900,00
2. On the basis of the filed results of substantive examination procedure (Article 38 of the Patent Act)	2.000,00
3. Without substantive examination procedure (consensual patent – Article 41 of the Patent Act)	
4. On the basis of the substantive examination procedure carried out following the opposition filed against the grant of a consensual patent	2.600,00
Tariff No. 1.3	
Proposal for the reinstatement of rights	200,00
Tariff No. 1.4	
Publication of a request for the grant of a consensual patent	120,00
Tariff No. 1.5	
Publication of a patent	160,00
Tariff No. 1.6	
Issue of a patent specification – per page	25,00
Tariff No. 1.7	
Maintenance of a patent or a consensual patent:	
1. III year	320,00
2. IV year	360,00
3. V year	420,00
4. VI year	500,00
5. VII year	620,00
6. VIII year	740,00
7. IX year	920,00
8. X year	1.200,00
9. XI year	1.700,00
10. XII year	1.800,00
11. XIII year	2.000,00
12. XIV year	2.100,00
13. XV year	2.300,00
14. XVI year	2.900,00
15. XVII year	3.500,00
16. XVIII year	4.600,00
17. XIX year	5.800,00
18. XX year	6.900,00
<i>N.B.</i>	
<i>If the fees under this tariff number are payable within the additional 6-month period, the prescribed amounts shall be doubled.</i>	
Tariff No. 1.8	
Procedure concerning opposition to a published request for the grant of a consensual patent	1.300,00
Tariff No. 1.9	
Issue of a Supplementary Protection Certificate and publication of data referred to in Article 73 of the Patent Act	200,00

Tariff No. 1.10	
Maintenance of a Supplementary Protection Certificate:	
1. I year	12.000,00
2. II year	15.00,00
3. III year	18.000,00
4. IV year	21.000,00
5. V year	24.000,00

N.B.

If the fees under this tariff number are payable within the additional 6-month period, the prescribed amounts shall be doubled.

Tariff No. 1.11	
Declaration of nullity of a patent	4.000,00

Tariff No. 1.12	
Declaration of nullity of a Supplementary Protection Certificate	3.000,00

Tariff No. 1.13	
Revocation of a decision on the grant of a patent	2.000,00

Tariff No. 1.14	
Transmittal of international patent application	200,00

Tariff No. 1.15	
Publication of the translation of:	
1. Patent specification of an extended European patent	160,00
2. Amended patent claims of an extended European patent	160,00

N.B.

An applicant who is also the inventor shall pay the charges under tariff numbers 1.1 to 1.8 in the amounts reduced by 75%.

2. TRADEMARKS

Payment of HRK:

Tariff No. 2.1	
Examination of an application for the registration of a trademark up to its publication:	
1. Up to three classes of products or services	500,00
2. Each class of products or services in excess of three classes	150,00

N.B.

The amount of charges payable for a collective or a guarantee trademark under this tariff number shall be doubled.

Tariff No. 2.2	
Publication of an application for the registration of a trademark	150,00

Tariff No. 2.3	
Division of an application or the registration of a trademark	200,00

Tariff No. 2.4	
Procedure concerning opposition to the registration of a trademark	500,00

Tariff No. 2.5	
Maintenance of a trademark for a period of 10 years and publication of the data on a trademark as maintained:	
1. Up to three classes of products or services	1.500,00

2. Each class of products or services in excess of three classes 300,00
N.B.

1. *The amount of charges payable for a collective or a guarantee trademark under this tariff number shall be doubled.*

2. *If the charges under this tariff number are payable within the additional 6-month period, the prescribed amounts shall be doubled.*

Tariff No. 2.6

Request for the revocation of a trademark and publication of data on the ceasing of effect of a trademark 1.000,00

Tariff No. 2.7

Declaration of invalidity of a trademark and publication of data on the ceasing of effect of a trademark 1.500,00

Tariff No. 2.8

Transmittal of an application for the international registration of a trademark 300,00

3. INDUSTRIAL DESIGN

Payment of HRK:

Tariff No. 3.1

Examination of an industrial design application:

1. Basic charge 200,00

2. Additional charge for each subsequent design contained in a multiple industrial design application 50,00

Tariff No. 3.2

Division of an industrial design application 200,00

Tariff No. 3.3

Deferment of publication of the registration of an industrial design 300,00

Tariff No. 3.4

Maintenance of an industrial design for a period of five years and publication of data thereon:

1. One design 400,00

2. Each subsequent design contained in a multiple industrial design application 200,00

Tariff No. 3.5

Request for the declaration of invalidity of an industrial design 1.500,00

3a. INDUSTRIAL DESIGN

Payment of HRK:

Tariff No. 3a.1

Examination of an industrial design application up to its publication:

1. Basic charge 200,00

2. Additional charge for each design contained in a multiple application 50,00

Tariff No. 3a.2

Publication of an industrial design application:

1. Up to three representations 100,00

2. Each subsequent representation 50,00

3. Publication of the description of a design	200,00
Tariff No. 3a.3	
Deferment of publication of an industrial design application	300,00
Tariff No. 3a.4	
Division of an industrial design application	200,00
Tariff No. 3a.5	
Procedure concerning opposition to a published application	300,00
Tariff No. 3a.6	
Maintenance of an industrial design for a period of five years and publication of data thereon:	
1. One design	400,00
2. Each subsequent design contained in a multiple application	200,00
Tariff No. 3a.7	
Declaration of the decision on the grant of an industrial design right null and void	1.500,00

4. GEOGRAPHICAL INDICATIONS AND DESIGNATIONS OF ORIGIN OF PRODUCTS AND SERVICES

	Payment of HRK:
Tariff No. 4.1	
Examination of a request for the entry of a geographical indication or a designation of origin in the register	300,00
Tariff No. 4.2	
Publication of an application	100,00
Tariff No. 4.3	
Procedure concerning opposition to a published application	500,00
Tariff No. 4.4	
Examination of a request for the acquisition of the right of use of a geographical indication or a designation of origin and entry in the register	400,00
Tariff No. 4.5	
Maintenance of the right of use of a geographical indication or a designation of origin for the period of 10 years, and publication of data thereon	1.000,00
Tariff No. 4.6	
Maintenance of the right of use of a foreign geographical indication or a designation of origin entered in the register of the Office for the period of 10 years, and publication of data thereon, a single charge for all the users	4.000,00
<i>N.B.</i>	
<i>If the charges under tariff numbers 4.5 and 4.6 are payable within the additional period of 6 months, the prescribed amounts shall be doubled.</i>	
Tariff No. 4.7	
Publication of data on a protected geographical indication or a designation of origin	1.000,00

	Tariff No. 4.8	
Declaration of a decision null and void		1.500,00
	Tariff No. 4.9	
Revocation of a decision on the grant of capacity of authorised user		1.500,00
	Tariff No. 4.10	
Renewal of the right of use of a geographical indication or a designation of origin		1.000,00

5. TOPOGRAPHIES OF SEMICONDUCTOR PRODUCTS

Payment of HRK:

	Tariff No. 5.1	
Examination of an application for a topography of semiconductor products		1.000,00
	Tariff No. 5.2	
Publication and maintenance of granted topographies of semiconductor products (for a period of 10 years)		2.500,00
	Tariff No. 5.3	
Declaration of the registration of topography of semiconductor products null and void		1.000,00

6. REPRESENTATION IN THE FIELD OF INDUSTRIAL PROPERTY RIGHTS

Payment of HRK:

	Tariff No. 6.1	
1. Examination of vocational ability for representatives		4.000,00
2. Makeup examination for representatives		2.500,00
	Tariff No. 6.2	
Entry in the Register of Representatives		5.000,00

7. COPYRIGHT AND RELATED RIGHTS

Payment of HRK:

	Tariff No. 7.1	
Grant of an authorization for the collective management of copyright		6.000,00
	Tariff No. 7.2	
Grant of an authorization for the collective management of related rights		5.000,00

8. COMMON ISSUES

Payment of HRK:

	Tariff No. 8.1	
Issue of a Certificate of Priority:		
1. One copy of the Certificate		150,00
2. Each additional copy of the Certificate		50,00

	Tariff No. 8.2	
Issue of a Certificate of the granted right		150,00
	Tariff No. 8.3	
Issue of an excerpt from the register		100,00
	Tariff No. 8.4	
Entry of changes in registers and publication of data on the changes		200,00
	Tariff No. 8.5	
Correction of errors and publication of data on the correction of errors		100,00
	Tariff No. 8.6	
Actions done by the Office not subject to any charges prescribed by this Tariff		100,00

9. INFORMATION SERVICES

Payment of HRK:

	Tariff No. 9.1	
Publications of the Office:		
1. Official Gazette of the Office – annual subscription		500,00
2. Official Gazette of the Office – a single copy		100,00
3. Official Gazette of the Office – CD-ROM (annual collection)		150,00
4. Official Gazette of the Office – CD-ROM, a single copy		40,00
5. International Classification of Goods and Services for the Registration of Marks		200,00
6. International Classification of Goods and Services for the Registration of Industrial Designs		200,00
7. International Patent Classification (IPC)		
7.1 IPC – Guide		20,00
7.2 IPC – Summary of Classes and Main Groups with the Guide		50,00
7.3 IPC – Section A: Human Necessities		100,00
7.4 IPC- Section B: Performing Operations; Transporting		200,00
7.5 IPC- Section C: Chemistry; Metallurgy		150,00
7.6 IPC- Section D: Textiles, Paper		50,00
7.7 IPC- Section E: Fixed Constructions; Mining		50,00
7.8 IPC- Section F: Mechanical Engineering; Lighting; Heating; Weapons; Blasting		125,00
7.9 IPC- Section G: Physics		
7.10 IPC- Section H: Electricity		
7.11 IPC – Collection 6.1 to 6.10, printed edition		750,00
7.12 IPC – Collection 6.1 to 6.10, CD-ROM		400,00
7.13 IPC – Collection 6.1 to 6.10, CD-ROM and printed edition		1.000,00
8. Laws/Regulations in the field of intellectual property graphically designed by the Office per copy		20,00
	Tariff No. 9.2	
Advertisements in the Official Gazette of the Office:		
1. Overleaf of the cover 1/1 in colour		1.200,00
2. Overleaf of the cover 1/2 in colour		800,00
3. Inside page 1/1 black-and-white		750,00

4. Inside page 1/2 black-and-white 400,00

Tariff No. 9.3

Searches of available patent information funds, not included in the procedure for the grant of rights, and carried out upon a request:

1. Patent document searches involving a specified applicant/owner/holder or inventor (name and surname), including a printout of bibliographical data for up to 20 patent documents – per request 200,00
2. Patent document searches involving the specific state of the art as per given search criteria (key words and/or abstract and/or description of invention), including a printout of bibliographical data for up to 20 patent documents – per request 400,00
3. Searches according to a specially defined request (including a printout of bibliographical data for up to 20 patent documents)– according to actual charges
4. Printout of bibliographical data for additional patent documents exceeding 20 included in the search, per page 5,00

Tariff No. 9.4

Searches of available trademark funds not included in the procedure for the grant of right, and carried out upon a request:

1. Searches of signs (registration number, name, class(es) according to the Nice Classification), written identically as the given verbal sign – per request 100,00
2. Searches of signs (registration number, name, class(es) according to the Nice Classification), which are possibly similar to the given verbal sign – per request 300,00
3. Searches of signs (registration number, name, class(es) according to the Nice Classification), which are possibly similar to the given figurative sign (comprising similarity search of figurative elements only) up to three classes – per request 300,00
4. Searches of signs (registration number, name, class(es) according to the Nice Classification), which are possibly similar to the given figurative sign (comprising similarity search of verbal elements and figurative elements) up to three classes – per request 400,00
5. Searches of signs (registration number, name, class(es) according to the Nice Classification), which are possibly similar to the given figurative sign, exceeding three classes, for each additional class – per request 30,00
6. Trademark searches involving a specified applicant/owner/holder (registration number, name, class(es) according to the Nice Classification) per request 400,00
7. Searches according to a specially defined request – according to actual charges

Tariff No. 9.5

Searches of available industrial design funds, not included in the procedure for the grant of rights, and carried out upon request:

1. Searches according to one of the given criteria (applicant/owner/holder, class, subclass and/or the name of a product according to the Locarno Classificatio for Industrial Design) per request 200,00

2. Searches according to the appearance of a design – per request	300,00
Tariff No. 9.6	
Printout of bibliographical data for a specified application or protected patent or trademark or industrial design or topography or geographical indication, not included in search services – per document	25,00
Tariff No. 9.7	
Request for the issue of a bilingual certificate of the filing receipt – per copy	5,00
Tariff No. 9.8	
Copying of documents/publications from the collection of the Office, per page	3,00
<i>N.B.</i>	
<i>1. For ahead of schedule searches of information funds, carried out within 3 working days, the tariffs referred to under tariff nos. 9.3 to 9.5 shall be payable in the amounts increased for 50%</i>	
<i>2. Postal delivery abroad of publications under tariff No. 9.1, search results under tariff Nos. 9.3 to 9.5, and of documents under tariff Nos. 9.6 and 9.7, as well as special delivery services, provided inland and abroad, shall be payable according to actual charges.”</i>	

Article 4

This Ordinance shall enter into force on the eighth day following the date of its publication in the “Official Gazette”

Class.381-03/04-01/02

File No: 5030108-04-1

Zagreb, 23 December 2004