

Regulation

amending Regulation concerning patent applications, etc., No. 574/1991, and Advertisement of instructions concerning patent applications, No. 575/1991

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PART I

Amendments to the Regulation concerning patent applications, etc., No. 574/1991

Section 1

Section 3 shall read as follows:

Application documents may be submitted in Icelandic, Danish, Norwegian, Swedish or English. If the description, patent claims and abstract are not in Icelandic, an Icelandic translation of the abstract and patent claims shall be provided before the application is made available to the public, and an Icelandic translation of the description shall be provided within four months of the date the applicant received notification that the application has been accepted for laying open to public inspection.

Documents in languages other than those specified in the first paragraph shall be accompanied by a translation into one of those languages. The Patent Office may, however, waive the translation requirement for documents other than the description, patent claims and abstract and for sections of the description or patent claims in an Icelandic patent application which are not considered as basic documents in the patent application in accordance with the first paragraph of Section 21, or accept a translation in a language other than Icelandic, Danish, Norwegian, Swedish or English. The Patent Office may require an authorised translator, or other party recognized by the patent authorities, to certify the translation. In lieu of such, an applicant or his agent may, provided the documents are in Danish, Norwegian, Swedish, English, German or French, submit a declaration to the effect that the translation corresponds to the foreign language documents.

Section 2

Section 21 shall read as follows:

For an Icelandic patent application or patent application to be processed in accordance with Section 38 of the Patent Act, the description, drawings and claims filed in Icelandic, Danish, Norwegian, Swedish or English on the filing date, or on the date when the application is deemed to be filed, cf. Section 14 of the Patent Act, shall be considered the basic documents. Should these documents not be available within the aforesaid time limits the description, together with the relevant drawings and claims, which are subsequently submitted in an Icelandic, Danish, Norwegian, Swedish or English translation, shall be considered as basic documents, insofar as the substance of the application is clearly presented in those documents available on the date of filing.

For an application to be proceeded with in accordance with Section 31 of the Patent Act, the Danish, Norwegian, Swedish or English translation of the description, drawings and claims, or an Icelandic translation of the claims, together with any amendments made to the translation within the time limit granted under

Section 53, shall be considered as basic documents. If an international patent application is filed with the receiving authority in Danish, Norwegian, Swedish or English, copies of the description, drawings and claims, filed in accordance with Section 31 of the Patent Act, together with any amendments made before the expiry of the time limit provided for under Section 53, shall be considered as basic documents. If an applicant consents to an international application being processed within the time limit provided for in Section 53, cf. Section 34 of the Patent Act, and a ruling issued to lay the application open for public inspection or refuse it, then the description, drawings and patent claims of the application concerned, as available at the time of said ruling, shall be considered as basic documents.

If a statement is made upon filing, to the effect that an application regarding the same invention has previously been filed in another state, and the number and filing date of such application indicated, a certified copy of that application subsequently filed shall be considered to have been received on the date of the filing of the Icelandic application.

Section 3

Section 47 shall read as follows:

An international patent application filed with the patent authorities in this country shall be submitted in one copy. The application shall be in Danish, Norwegian, Swedish or English. Information given on the application form may be in English even though the other documents may be in any one of the afore-mentioned languages.

Section 4

Section 52 shall read as follows:

Should an international application be in a language other than Danish, Norwegian, Swedish or English, a translation in one of these languages shall be filed when the application is proceeded with in accordance with Section 31 of the Patent Act or when a ruling in accordance with the first paragraph of Section 38 of the Act is reviewed. Should the application originally have been filed in one of the languages previously mentioned, a copy of it shall be submitted. Furthermore, an Icelandic translation of the abstract and patent claims, cf. the provisions of the first paragraph of Article 3, shall be submitted if the application is proceeded with 18 months after the international application date or priority date. The provisions of Section 3 shall apply in other respects concerning translations of application documents.

The patent authorities may adopt rules to limit the requirement for the submission of a translation if only part of an international application is to be proceeded with in this country.

PART II

Amendments to the Advertisement of instructions concerning patent applications, No. 575/1991

Section 5.

The second paragraph of Section 3 shall read as follows:

The Swedish Patent Office (PRV) and the European Patent Office (EPO) are the international novelty search institutions for international applications received by the Patent Office. Where a novelty search is requested for an international application a Danish, Norwegian, Swedish or English translation shall be submitted.

Section 6

The second paragraph of Section 37 shall read as follows:

Should a patent application be in a language other than those recognized by the international institution carrying out the novelty search (i.e. the Swedish Patent Office or European Patent Office), a Danish, Norwegian, Swedish or English translation shall accompany the claim for an international novelty search.

Section 7

Section 38 shall read as follows:

Application documents may be in Icelandic, Danish, Norwegian, Swedish or English. If the description, patent claims and abstract are not in Icelandic, an Icelandic translation of the abstract and patent claims shall be provided before the application is made available to the public, and an Icelandic translation of the description shall be provided within four months of the date the applicant received notification that the application has been accepted for laying open to public inspection.

The Patent Office may require that the Icelandic text be a certified translation of foreign documents.

Section 8

The first paragraph of Section 39 shall read as follows:

The Patent Office may require that the translation of the description, patent claims and abstract, referred to in Section 31 of the Patent Act, be certified, cf. Section 31 of the Regulation accompanying the Patent Act.

Section 9

The first sentence of Point 6) of the first paragraph of Section 42 [shall read as follows:]

The description, patent claims or abstract are missing from the documents originally filed, or a translation of these documents has not been filed within the specified time limit, cf. Section 3 of Regulation accompanying the Patent Act.

Section 10

A new paragraph is added to Rule 4 of Appendix I which shall read as follows:

For the purpose of further examination in Denmark the Patent Office may require Danish, Norwegian, Swedish or English translations of other documents (such as the amended description and patent claims or counterarguments of an applicant).

PART III **Entry into Force**

Section 11

This Regulation is issued as authorised in Act No. 17/1991, as subsequently amended, and shall come into force on January 1, 1996.

Ministry of Industry, December 22, 1995

On behalf of the Minister
Porkell Helgason

Jón Ögmundur Þormóðsson