

DIRECTOR OF THE STATE PATENT BUREAU OF THE REPUBLIC OF LITHUANIA  
O R D E R

**CONCERNING THE APPROVAL OF THE PROCEDURE FOR THE FILING OF  
EUROPEAN PATENT APPLICATIONS AND FOR THE EFFECTS OF EUROPEAN  
PATENTS IN THE REPUBLIC OF LITHUANIA**

No 3R-29, 24 April 2006  
Vilnius

Pursuant to the Republic of Lithuania Law on the Ratification of the Convention on the Grant of European Patents (European Patent Convention) (*Valstybės žinios* (Official Gazette) No 147-5324, 2004) and to Chapter X<sup>1</sup> of the Republic of Lithuania Patent Law (*Valstybės žinios* (Official Gazette) No 8-120, 1994; No 85-3135, 2005), I hereby:

1. A p p r o v e the Procedure EP/01/2006 for the Filing of European Patent Applications and for the Effects of European Patents in the Republic of Lithuania and Forms EPC-1/2006 and EPC-2/2006 (as appended).

2. C h a r g e:

2.1. The Applications Receiving Division:

2.1.1. to receive European patent application documents and issue to applicants and other interested persons application forms EPC-1/2006 and EPC-2/2006;

2.1.2. to forward European patent applications to the European Patent Office and other Contracting States of the European Patent Convention in the manner prescribed by legal acts.

2.2. The Inventions Department:

2.2.1. to maintain records of European patents having effect in the Republic of Lithuania;

2.2.2. to publish translations into the Lithuanian language of the claims in European patent applications and of the claims in European patents, in the Official Bulletin of the State Patent Bureau.

2.3. The Department of Law and International Affairs to publish this Order in the Official Gazette “Valstybės žinios” and on the website of the State Patent Bureau.

2.4. The Deputy Director Rosita Daunorė to control implementation of this Order.

DIRECTOR

RIMVYDAS NAUJOKAS

APPROVED by  
Order No 3R-29 of the Director of the  
State Patent Bureau, of 24 April 2006

**THE PROCEDURE EP/01/2006 FOR THE FILING OF EUROPEAN PATENT  
APPLICATIONS AND FOR THE EFFECTS OF EUROPEAN PATENTS IN THE  
REPUBLIC OF LITHUANIA**

**CHAPTER I. GENERAL**

**SECTION I. SCOPE**

1. The Procedure for the Filing of European Patent Applications and for the Effects of European Patents in the Republic of Lithuania (hereinafter referred to as the Procedure) defines the procedure for the filing, either directly or by post, of European patent applications with the State Patent Bureau (SPB) of the Republic of Lithuania and for the effects of European patents in the Republic of Lithuania.

2. European patents shall have effect in the Republic of Lithuania as governed by the Convention on the Grant of European Patents and Chapter X<sup>1</sup> of the Republic of Lithuania Patent Law (*Valstybės žinios* (Official Gazette) No 8-120, 1994; No 85-3135, 2005).

**SECTION II. DEFINITIONS**

3. The European Patent Convention (EPC) refers to the Convention on the Grant of European Patents (European Patent Convention) of 5 October 1973 as amended by the act revising Article 63 EPC of 17 December 1991 and by decisions of the Administrative Council of the European Patent Organization of 21 December 1978, 13 December 1994, 20 October 1995, 5 December 1996 and 10 December 1998, as well as the European Patent Convention revised on 29 November 2000 at Munich.

4. The European Patent Office is a central executive body of the European Patent Organization, implementing the provisions of the European Patent Convention and granting European patents.

5. Implementing Regulations refer to the rules adopted pursuant to the EPC, governing the procedure and requirements for the filing and examination of European patent applications and for the granting of European patents.

6. A European patent application is an application for the European patent filed by virtue of the European Patent Convention, also an international application filed by virtue of the Patent Cooperation Treaty done at Washington on 19 June 1970, for which the European Patent Office acts as a designated or elected office and in which the Republic of Lithuania is a designated country.

7. A national patent application is a patent application filed with the State Patent Bureau in the manner prescribed by the Patent Law.

8. A divisional application is a patent application divided from the initial application, which does not satisfy the requirement of the unity of invention but preserves the date of filing or, where priority is claimed, the priority date of the initial application.

9. A European patent is a patent granted pursuant to the EPC, the application for which designates the Republic of Lithuania.

10. A national patent is a patent granted pursuant to the Patent Law.

11. Earlier application is a patent application filed by virtue of the Paris Convention for the Protection of Industrial Property.

12. The proprietor of a European patent is a natural and/or legal person to whom a European patent has been granted.

13. A representative is a natural or legal person, a patent attorney whose name appears on the list of professional representatives maintained by the State Patent Bureau, an employee authorized in the manner prescribed by legal acts to represent the applicant or the proprietor of a European patent.

14. Signature is a signature of a natural person, or an authentic signature or a facsimile signature, certified by the seal of the legal person, of the senior manager of a legal person or other authorized person. A document issued in a foreign state must be signed in the manner prescribed by legal acts of the state in which the document has been issued.

15. INID stands for Internationally agreed Numbers for the Identification of Data.

16. Other terms used in this Procedure shall have the meanings attached to them in the European Patent Convention and its Implementing Regulations.

## **CHAPTER II. FILING OF A EUROPOEAN PATENT APPLICATION WITH THE STATE PATENT BUREAU**

### **SECTION III. GENERAL**

17. A European patent application shall be filed directly with the European Patent Office or the State Patent Bureau in any of the languages specified in paragraphs 1 and 2 of Article 14 of the European Patent Convention.

18. A European patent application may be filed with the SPB Applications Receiving Division either directly or by post. European patent applications filed by fax shall not be accepted and shall be sent back to the applicant.

19. A European patent application filed with the State Patent Bureau shall be deemed to have been filed with the European Patent Office on the same day.

20. Where the application is filed by the applicant's representative whose name does not appear on the list of professional representatives for European patents, the application shall be filed together with an authorisation which shall satisfy the requirements laid down in Section IV of this Procedure.

### **SECTION IV. AUTHORISATION OF A REPRESENTATIVE**

21. If the applicant has appointed and acts through a representative whose name does not appear on the list of professional representatives for European patents, such appointment shall be effected by an authorisation in the Form EPO 1003 or by a general authorisation in the Form EPO 1004.

22. If a representative is appointed by a free-form authorization to ensure that the European patent application confers provisional protection in accordance with Section XI of this Procedure or to perform actions provided for in Chapter III of this Procedure, the authorization shall contain the following information:

22.1. name and address of the authorising person, where the authorisation is given by a natural person;

22.2. full official name and address (seat) of the legal person;

22.3. full name and address (or seat) of the representative, where the authorisation is given by a legal person;

22.4. the application or patent number;

22.5. title of the invention.

23. The authorisation must be signed and must state the place and date of issuance.

24. Signature shall be subject to the requirements laid down in paragraph 14 of this Procedure. If the authorisation is signed by an employee or an authorised person, the authorisation must be accompanied by documents certifying their right to sign.

25. If the authorising person has appointed several representatives with the same powers, the State Patent Bureau shall communicate with one of the representatives appointed by the authorising person.

26. The authorisation shall be delivered to the State Patent Bureau together with the European patent application or with a request, done in a pre-defined form, to publish the translation of the claims in the European patent application or in the European patent.

27. If the authorisation is issued with respect to more than one European patent application, a corresponding number of copies of the authorisation shall be delivered.

## **SECTION V. FILING OF AN APPLICATION**

28. A European patent application filed with the State Patent Bureau shall satisfy the requirements of Article 78 of the EPC and its Implementing Regulations. A European patent application shall contain:

- 28.1. a request for the grant of a European patent, done in the Form EPO 1001;
- 28.2. description of the invention;
- 28.3. one or more claims;
- 28.4. drawings referred to in the description;
- 28.5. abstract.

29. The request for the grant of a European patent shall be filed in four copies; other documents referred to in paragraphs 28.2 to 28.5 of this Procedure shall be filed in a single copy.

30. The application may be accompanied by the following documents:

- 30.1. authorisation done in the Form EPO 1003;
- 30.2. general authorisation done in the Form EPO 1004;
- 30.3. priority documents;
- 30.4. translations of the priority documents;
- 30.5. designation of the inventor, done in the Form EPO 1002;
- 30.6. earlier search report;
- 30.7. document certifying the payment of fees, done in the Form EPO 1010;
- 30.8. translation of the description of the invention and of the claims, in accordance with paragraph 2 of Article 14 of the EPC;
- 30.9. electronic data carrier with nucleotide and amino acid sequences, where applicable;
- 30.10. PACE request done in the Form EPO 1005;
- 30.11. other documents.

31. Instead of documents listed in paragraph 28 of this Procedure, a European patent application may contain the following documents:

- 31.1. informal request for the grant of a European patent;
- 31.2. designation of a Contracting State;
- 31.3. information identifying the applicant;
- 31.4. a description and one or more claims in one of the languages specified in paragraphs 1 or 2 of Article 14 of the EPC, even if the description and the claim(s) do not meet the requirements of the EPC.

32. The documents listed in paragraph 31 of this Procedure shall suffice for the European patent application to be given a filing date.

33. A new European patent application as provided for in subparagraph (b), paragraph 1, Article 61 of the EPC shall be filed in the same manner as a regular European patent application.

34. A European divisional application shall be filed directly with the European Patent Office at Munich, Hague or Berlin.

35. If a European divisional application is mistakenly filed with the State Patent Bureau, it must be immediately forwarded to the European Patent Office.

36. Pursuant to paragraph 3 of Article 59<sup>1</sup> of the Patent Law, a European patent application liable to state or official secrecy shall be filed with the State Patent Bureau only.

## **SECTION VI. LANGUAGE OF THE APPLICATION**

37. A European patent application shall be filed in any of the official languages of the European Patent Office (English, German, or French). Natural or legal persons having their residence or principal place of business within the territory of a Contracting State having a language other than English, French or German as an official language, and nationals of that State who are resident or operating abroad, may file European patent applications in an official language of that State.

38. If the application is filed in other than an official language of the European Patent Office, the translation referred to in paragraph 2 of Article 14 of the EPC must be filed within three months from the date of filing of the European patent application but no later than within thirteen months from the date of priority.

## **SECTION VII. DATE OF RECEIPT OF THE APPLICATION**

39. A European patent application filed with the State Patent Bureau directly or by post shall be handled in the manner prescribed in this Section VII. If a European patent application is deemed to be a divisional application, it shall be immediately forwarded to the European Patent Office.

40. The State Patent Bureau shall without delay inform the European Patent Office of receipt of a European patent application and of the nature and date of receipt of the application and the application number.

41. In accordance with paragraph 4 of Rule 24 of the Implementing Regulations, the European Patent Office, having received a European patent application forwarded to it by the State Patent Bureau, shall inform the applicant accordingly, indicating the date of receipt of the application.

42. The date of receipt of a European patent application shall be stamped on the back of the first and last page of each document making up the application, except the request for the grant of a European patent application. Stamp of the State Patent Bureau shall not be used on the documents making up a European patent application. The date of receipt of the application shall also be stamped on each document filed together with the European patent application.

43. Drawings may be stamped on each page on the back.

44. Having received a European patent application, the State Patent Bureau shall without delay issue a receipt to the applicant (Form EPO 1001.6) which shall include at least the application number, the nature and number of the documents, and the date of their receipt.

45. The receipt shall be issued in four copies:

45.1. the original shall be sent or handed to the applicant;

45.2. the first and the third copies of the receipt shall be sent, together with documents making up the European patent application, to the European Patent Office as a communication of receipt of the European patent application in accordance with paragraph 40 of this Procedure; if the European patent application needs to be examined for liability to state or official secrecy, the first copy of the receipt shall be sent to the European Patent Office without documents making up the application and shall bear the words "further examination under 77(3) of the EPC required";

45.3. the second copy shall stay with the State Patent Bureau;

45.4. the third copy shall be used by the European Patent Office as a communication of receipt of a European patent application, to be sent to the applicant pursuant to paragraph 41 of this Procedure.

46. The State Patent Bureau shall mark the application number and date of receipt on every copy of the receipt of the European patent application. On the original and the first and the second copies of the receipt, the State Patent Bureau shall enter, in the box for the use by the national patent office, its full name and date and place a stamp. On the third copy, the box for the use by the national patent office shall be left blank as it will be used and completed by the European Patent Office.

47. The request for the grant of a European patent on the front side, also other documents making up the application and their annexes, the electronic data carrier and its folder, as well as the

receipt of the application shall bear a self-adhesive sticker with the number of the European patent application.

48. The application number shall be an eight-digit number: the first two digits shall stand for the last two digits of the year of filing and the last six digits shall be used to identify the place of filing of the application.

49. The application number shall be printed on stickers supplied to the State Patent Bureau by the European Patent Office.

50. If a European patent application which needs further examination for liability to state or official secrecy contains an automatic debit order (Box 43 in the Form EPO 1001), a copy of such request from which the information subject to secrecy (the title and the priority number, but not the priority date) has been deleted shall be forwarded to the European Patent Office.

51. The State Patent Bureau shall notify the applicant and the European Patent Office of any obvious deficiencies in the European patent application in a non-binding way.

52. A European patent application examined by the State Patent Office for liability to state or official secrecy shall be forwarded to the European Patent Office within the period set in Article 77 of the EPC.

### **SECTION VIII. RECEIPT OF APPLICATION DOCUMENTS FILED SUBSEQUENTLY**

53. Documents making up a European patent application listed in paragraphs 30.1 to 30.6 and 30.8 to 30.11 of this Procedure shall be considered an integral part of the European patent application and may be filed with the State Patent Bureau subsequently.

54. Related documents making up a European patent application shall be filed together with a letter made in a pre-defined form (Form EPO-1038) to be completed and filed with the European Patent Office in the prescribed manner.

55. If documents making up a European patent application have not been forwarded to the European Patent Office yet, European patent application documents filed subsequently shall be added to the application, i.e. placed in the same folder.

56. Related documents making up a European patent application may be filed by the date on which the State Patent Bureau receives a communication that the European Patent Office has received a receipt of the European patent application.

57. If related documents making up a European patent application have been filed after a receipt of a European patent application has been received at the European Patent Office, they shall be given the date on which they are actually received at the European Patent Office.

58. In any case, once the European Patent Office has notified the State Patent Bureau of receipt of the European patent application, the State Patent Bureau shall forward the documents to the European Patent Office.

59. A receipt of a European patent application may not be used to acknowledge receipt of related documents making up the European patent application.

### **SECTION IX. FORWARDING OF APPLICATIONS TO THE EUROPEAN PATENT OFFICE**

60. The State Patent Bureau shall forward a European patent application within:

60.1. six weeks of filing, where the application is obviously not liable to state or official secrecy;  
or

60.2. four months of the date of filing, or, where a priority is claimed, within fourteen months of the priority date, if the application needs to be examined for liability to state or official secrecy.

61. A European patent application filed pursuant to subparagraph b, paragraph 1, Article 61 of the EPC shall be forwarded to the European Patent Office within four months of the date of filing of the application with the State Patent Bureau.

62. If a European patent application is liable to state or official secrecy, it shall not be forwarded to the European Patent Office.

## **SECTION X. EFFECTS OF A EUROPEAN PATENT APPLICATION**

63. Pursuant to paragraph 1 of Article 59<sup>2</sup> of the Patent Law, a European patent application which has a date of filing and which designates the Republic of Lithuania shall have the same legal power as a national patent application filed in a regular manner and shall retain the priority date of the European patent application, regardless of the course of its examination.

## **SECTION XI. CONFERMENT OF PROVISIONAL LEGAL PROTECTION**

64. A published European patent application shall confer the same provisional legal protection in the Republic of Lithuania as a national patent application according to paragraph 3 of Article 21 of the Patent Law. The provisional legal protection shall be conferred from the date on which a translation of the claims in the published European patent application into the Lithuanian language has been published in the Official Bulletin of the State Patent Bureau.

65. A translation of the claims in a European patent application shall be filed together with a request done in a pre-defined form (Form EPC-1/2006) to publish the translation of the claims in the European patent application.

66. The request shall contain the following information on the European patent application (boxes marked with INID numbers):

66.1. number of publication of the European patent application, in Box 11;

66.2. name and address of the applicant for a European patent, code of the state, and, where the applicant for a European patent is a legal or natural person of the Republic of Lithuania, identification number of the legal or natural person, in Box 71;

66.3. name of the patent attorney (if any), and the number of certificate, in Box 74;

66.4. name and address (seat) of the representative (if any);

66.5. title of the invention, in Box 54;

66.6. if a priority is claimed in the European patent application, the number of the earlier priority application, filing date and the code of the state, in Box 30;

66.7. international classification index (indices) of the European patent application, in Box 51;

66.8. number of the European patent application and the date of filing, in Box 86;

66.9. date of publication of the European patent application, in Box 43;

66.10. name and address of the inventor, and the code of the state, in Box 72.

The request shall list, on the back, the documents filed and the number of pages of a copy of each document filed.

67. The request (Form EPC-1/2006) shall be signed by the applicant or the patent attorney (representative) in accordance with the requirements laid down in paragraph 14 of this Procedure. , Name of the signatory shall be written legibly next to the signature.

68. The request to publish the translation of the claims in the European patent application shall be filed in three copies, one of which marked by the State Patent Bureau's with the date of receipt shall be given back to the applicant or his representative and shall be treated as a receipt of the translation of the claims in the European patent application.

69. The translation of the claims on the invention into the Lithuanian language shall be filed in two copies. The translation shall bear, on the bottom, name and signature of the person who files the translation. The translation shall also be filed in an electronic data carrier. Drawings shall be filed when the translation of the claims on the invention into the Lithuanian language contains digits used in the drawings. Other documents shall be delivered in a single copy.

70. The person who files the translation shall be responsible for accuracy of the translation.

71. Where the request is filed by a representative, it shall be filed together with the authorization which shall satisfy the requirements laid down in Section IV of this Procedure.

72. The European patent application shall be deemed not to confer provisional legal protection under paragraph 64 of this Procedure, if the designation of the Republic of Lithuania is subsequently withdrawn or deemed to be withdrawn.

### **CHAPTER III. EFFECTS OF THE EUROPEAN PATENT**

#### **SECTION XII. RIGHTS CONFERRED BY A EUROPEAN PATENT**

73. A European patent which designates the Republic of Lithuania shall confer on its proprietor from the date of publication of the mention of its grant at the European Patent Office the same rights as would be conferred by a national patent granted pursuant to Article 26 of the Patent Law.

#### **SECTION XIII. FILING OF A TRANSLATION OF THE CLAIMS IN A EUROPEAN PATENT**

74. Proprietor of a European patent shall, within three months from the date of publication of the mention of its grant, file with the State Patent Bureau, directly or by post, a translation into the Lithuanian language of the claims in the European patent and pay a fixed fee for the publication of the translation.

75. A translation into the Lithuanian language of the claims in the European patent shall be filed together with a request done in a pre-defined form (Form EPC-2/2006).

76. The request (Form EPC-2/2006) shall contain the following information on the European patent (boxes marked with INID numbers):

76.1. number of the European patent, in Box 11;

76.2. name and address of the proprietor of the European patent, code of the state, and, where the proprietor of the European patent is a legal or natural person of the Republic of Lithuania, identification number of the legal or natural person, in Box 73;

76.3. name of the patent attorney (if any), and the number of certificate, in Box 74;

76.4. name and address (seat) of the representative (if any);

76.5. title of the invention, in Box 54;

76.6. if the European patent is granted under the earlier application, the number of the earlier priority application, filing date and code of the state, in Box 30;

76.7. international classification index (indices) of the European patent, in Box 51;

76.8. number of the European patent application and the date of filing, in Box 86;

76.9. publication date of the mention of the grant of the European patent application, in Box 45;

76.10. name and address of the inventor, and the code of the state, in Box 72.

The request overleaf shall list the documents filed and the number of pages of a copy of each document filed, the amount of the fee paid, and the number and date of the payment document.

77. The request (Form EPC-2/2006) shall be filed in three copies, one of which marked by the State Patent Bureau's with the date of receipt shall be given back to the applicant or his representative and shall be treated as a receipt of the translation of the claims in the European patent.

78. When a translation of the claims in the European patent into the Lithuanian language is filed with the State Patent Bureau, a fee shall be payable for publication of the translation of the claims and for the eleventh and each subsequent claim in the European patent.

79. Where the request is filed by a representative, it shall be filed together with the authorization which shall satisfy the requirements laid down in Section IV of this Procedure.

80. The translation of the claims on the invention into the Lithuanian language shall be filed in two copies. The translation shall bear, on the bottom, name and signature of the person who files the translation. The translation shall also be filed in an electronic data carrier. Drawings shall be filed when the translation of the claims on the invention into the Lithuanian language contains digits used in the drawings.



81. Other documents shall be filed in a single copy.

82. If the claims in a European patent change by virtue of filing of an opposition with the European Patent Office, proprietor of the patent shall, within three months of the date of publication of the European Patent claims as amended, file with the State patent Bureau a translation into the Lithuanian language of the claims as amended and pay a fee for the publication of the translation.

83. The person who files the translation shall be responsible for accuracy of the translation.

84. The State Patent Bureau shall promptly and no later than within three months publish the translations referred to in paragraphs 74 and 82 of this Procedure in its Official Bulletin and issue a document to the proprietor of the European patent certifying the entry of the European patent into effect.

85. Forms of requests (Forms EPC-1/2006 and EPC-2/2006) are available free of charge at the State Patent Office or on its website.

#### **SECTION XIV. REVOCATION OF A EUROPEAN PATENT**

86. If no translation of the claims in the European patent is filed within the period referred to in paragraphs 74 and 82 of this Procedure, the European patent shall be deemed to be void *ab initio* in the Republic of Lithuania.

87. The State Patent Office shall regularly update the list of void European patents in its Official Bulletin.

#### **SECTION XV. MAINTENANCE OF RECORDS OF EUROPEAN PATENTS HAVING EFFECT IN THE REPUBLIC OF LITHUANIA**

88. The State Public Office shall maintain records of European patents having effect in the Republic of Lithuania.

89. The database of European patents having effect in the Republic of Lithuania shall contain data listed in paragraph 90 of this Procedure.

90. The State Patent Bureau shall maintain the following data of European patents having effect in the Republic of Lithuania:

90.1. publication number of the European patent (11);

90.2. number of priority application, priority date, code of the state (30);

90.3. International Patent Classification (51);

90.4. title of the invention (54);

90.5. claims on the invention (57);

90.6. number of the application, from which the present document has been divided up (62);

90.7. name and address of the applicant, code of the state – for European patent applications, translations of the claims of which have been published in the Official Bulletin of the State Patent Bureau; where the applicant for a European patent is a legal or natural person of the Republic of Lithuania, identification number of the legal or natural person (71);

90.8. name and of the inventor, code of the state (72);

90.9. name of the proprietor, code of the state; where the proprietor of the European patent is a legal or natural person of the Republic of Lithuania, identification number of the legal or natural person (73);

90.10. name of the patent attorney or representative, registration number, address, code of the state (74);

90.11. filing data of an international application (application number, filing date) (86);

90.12. publication data of an international application (publication number and date) (87);

90.13. filing data of a European patent application (application number, filing date) (96);

90.14. publication date of a European patent application (43);

90.15. date of revocation of a patent;

90.16. date of declaring a patent void;

- 90.17. date of entry of an amendment;
- 90.18. name and address of the licensee, code of the state (where the licensee is a legal or natural person of the Republic of Lithuania, identification number of the legal or natural person);
- 90.19. type of license (exclusive or non-exclusive);
- 90.20. date of expiry of license;
- 90.21. date of entry of license agreement.
91. The State Patent Bureau shall furnish an extract of any entry in the database of European patents having effect in the Republic of Lithuania to any person on request.

## **SECTION XVI. PAYMENT OF RENEWAL AND OTHER FEES FOR EUROPEAN PATENTS**

92. Renewal fees for European patents, which are payable starting with the year following the year of publication of the mention of the grant of the European patent, and other fees referred to in this Procedure shall be paid in the manner prescribed by the Republic of Lithuania Law on Fees for Registration of Industrial Property Objects (*Valstybės žinios* (Official Gazette) No 52-1811, 2001).

93. The provisions of Article 27 of the Patent Law shall apply *mutatis mutandis* to the renewal fee for European patents.

## **SECTION XVII. CONVERSION OF A EUROPEAN PATENT APPLICATION TO A NATIONAL APPLICATION**

94. A European patent application which designates the Republic of Lithuania may be converted to a national application, if the European patent application is deemed to be withdrawn pursuant to paragraph 5 of Article 77 of paragraph 4 of Article 162 of the European Patent Convention.

95. A request to convert a European patent application to a national application shall be filed with the European Patent Office which shall then transmit the request together with a copy of the files relating to the European patent application or the European patent to the central industrial property office of the Contracting State specified in the request.

96. If a European patent application filed through the State Patent Bureau is deemed to be withdrawn pursuant to paragraph 5 of Article 77 of the European Patent Convention, the State Patent Bureau shall, upon receipt from the applicant a free-form request to convert the European patent application to a national application and subject to the provisions regarding state or official secrets, transmit the request together with a copy of the European patent application directly to central industrial property offices of the Contracting States specified by the applicant in the request. A European patent application shall not be equivalent to a national patent application, if the request to convert a European patent application with a national application is not forwarded, together with copies of European patent application documents, within twenty months from the date of filing of the European patent application or, where a priority is claimed, from the date of priority.

97. If a European patent application filed through the State Patent Bureau is deemed to be withdrawn pursuant to paragraph 4 of Article 162 of the European Patent Convention, the State Patent Bureau shall, upon receipt from the European Patent Office a copy of a request to convert the European patent application to a national application and of copies of application documents, notify the applicant thereabout and require that the applicant pays, within three months, a fixed fee for the filing of a patent application. A patent application filed by virtue of paragraph 98 of this Procedure shall be examined and published as a national patent application.

98. The applicant whose European patent application is deemed to be withdrawn pursuant to paragraph 3 of Article 90 of the European Patent Convention may file with the State Patent Bureau a free-form request to convert the European patent application to a national application, and patent application documents referred to in Article 11 of the Patent Law.

99. Patent application filed by virtue of paragraphs 94 and 98 of this Procedure shall have the filing date of the European patent application concerned.

100. The description of the Republic of Lithuania patent resulting from the conversion of a European patent application must mention that European patent application.

#### **SECTION XVIII. TRANSMITTAL OF A EURO-PCT APPLICATION**

101. An international patent application (Euro-PCT) filed with the State Patent Bureau must be received at the European Patent Office no later than two weeks before the thirteenth month from the date of filing or, where a priority is claimed, from the date of priority.

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