

**STATE OFFICE OF INDUSTRIAL PROPERTY**

**REGULATION ON PATENT**

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On the basis of Article 35 paragraph (3), 42 paragraph (2), 43 paragraph (3), 51 paragraph (2), 53 paragraph (4), 62 paragraph (8), 67 paragraph (3), 68 paragraph (3), 69 paragraph (4), 70 paragraph (3), 75 paragraph (2), 116 paragraph (3), 117 paragraph (2), and 118 paragraph (2) of the Law on Industrial Property ( " Official Gazette of the Republic of Macedonia" number 21/ 2009), the Director of the State Office of Industrial Property adopts:

## **REGULATION ON PATENT**

### **I. GENERAL PROVISIONS**

#### **Content of the Regulation**

##### **Article 1**

This Regulation regulates: the content and form of the patent application and other constituent elements and attachments of the application; content and manner of maintaining the register of patent applications and the extract from the register; content of the request and content of the certificate for the right of priority, content of the application which fulfills the requirement for unity of the invention; content of the divisional application; content of the evidence of the substantive examination; content and manner of maintaining the register of patents and the extract from the register; changes entering the register; content and form of the request and procedure of the entry of changes; content of the data of a granted patent published in the Official Gazette of the State Office of Industrial Property (hereinafter: " the Office"); content of the patent certificate and of the patent specification; content of the request and the other constituent elements and attachments of the request for issuing a certificate for protection of medical products and a certificate for protection of products for plant protection; content of the application and form of the request for applications filed through the Office as a receiving Office in accordance with the PCT; content of the application and form of the request for applications filed to the Office as an elected or designated Office in accordance with the PCT; content of the application and form of the request for applications filed to the Office in accordance with the Extension Agreement.

### **II. PATENT APPLICATION**

#### **Content and form of the application**

##### **Article 2**

- (1) The patent application shall contain:
- 1) request for a grant of a patent;
  - 2) description of the invention;

- 3) one or more patent claims;
- 4) brief content of the essence of the invention ( abstract);
- 5) drawing ( if necessary) referring to the description and the patent claim;
- 6) evidence of paid application fee and
- 7) translation into Macedonian language if the application was filed in a foreign language.

(2) The content of the application of paragraph (1) items 2, 3, 4 and 5 shall be filed in two copies.

(3) All constituent elements of the patent application and attachments that are additionally submitted, shall be signed.

### **Other constituent elements and attachments to the application**

#### **Article 3**

(1) The following constituent elements and attachments shall be filed in writing form to the patent application of Article 2 of this Regulation.

- 1) data for other applicants and a statement for joint representative if the application is filed by several applicants;
- 2) data for other inventors;
- 3) a statement by the inventor that he/ she does not want to be stated in the application, if requested;
- 4) translation into Macedonian language if the application is filed in a foreign language;
- 5) evidence of deposit of live biological or microbiological material if it is necessary for the description of the invention in accordance with Article 45 of the Law on Industrial Property;
- 6) a list of nucleotide and /or amino acidic sequences if the application contains disclosure of one or more nucleotide and /or amino acidic sequences;
- 7) evidence of the right of priority in accordance with Articles 28, 37 and 38 of the Law on Industrial Property, if requested;
- 8) power of attorney if the application is filed through a representative and
- 9) evidence of a paid appropriate fee and evidence on which the fee reduction is based on, if there is a ground for it.

(2) Constituent elements and attachments of paragraph (1) of this Article shall contain signature and seal of the applicant, i.e. the representative if the application is filed through a representative.

(3) If the constituent elements and attachments of paragraph (1) of this Article are additionally submitted, they shall contain the number of the patent application as well (hereinafter: P- number).

## **Request for a grant of a patent**

### **Article 4**

- (1) The request for a grant of a patent shall be filed on a DZIS-P1 Form enclosed to Appendix 1 which forms an integral part of this Regulation.
- (2) If the space provided in the related section of the DZIS- P1 Form is not sufficient, the required data shall be submitted as a separate supplement to the DZIS- P1 Form in total content, indicating the number of the section to which the supplement refers to.

## **Description of the invention**

### **Article 5**

- (1) The description of the invention shall be composed according to the manner and order prescribed in this Article.
- (2) The description of the invention shall contain:
  - 1) Title of the invention which briefly and precisely reflects the technical nature of the subject of the invention, and which does not contain fanciful terms, personal or trade names or abbreviations and which is not identical with the one indicated in the request for a grant of a patent right in the DZIS- P1 Form.
  - 2) Technical field to which the invention refers to, indicating the designation according to the International Patent Classification, hereinafter IPC, if the applicant is familiar with it;
  - 3) Presentation of the technical problem for the solution of which a patent protection is sought;
  - 4) State of art (presentation and analyses of the known solutions to the defined technical problem), presented in a scope familiar to the applicant, which is necessary for easier comprehension of the invention and the examination of the application, for which it is desirable the patent documents and other information sources referring to the described state of art, to be cited;
  - 5) Presentation of the essence of the invention and an indication of the technical novelty of the invention regarding the prior state of art;
  - 6) Brief description of the drawings, if any;
  - 7) Detailed description of at least one manner for carrying out the invention, indicating examples of the feasibility and
  - 8) Manner of industrial or other application of the invention if it does not obvious from the description or from the nature of the invention, per se.
- (3) All parts indicated in paragraph (2) of this Article shall be preceded by an appropriate title. Upon exception, the applicant may apply different manner and order when composing the description, if it improves the comprehensiveness of the invention due to the nature of the invention.

- (4) The solution to the technical problem explained in the description of the invention:
- 1) Shall be presented without arbitrariness and presumptions, and all important features of the invention shall be presented clearly and unambiguously so that an expert of that field could carry out the invention.
  - 2) If the invention refers to a procedure, it shall contain all its important features so that the feasibility of the procedure is completely transparent which can be proved by examples for realization;
  - 3) If the invention refers to construction which is presented by a drawing, it shall contain detailed description of the solution of the construction, referring to the drawing, and the manner of functioning of the separate essential elements and the overall construction shall be described as an evidence of the feasibility and
  - 4) If there are more manners of carrying out of the same invention, they shall be described.

## **Patent claims**

### **Article 6**

- (1) A patent claim shall be composed so that it defines the invention exclusively by its technical features.
- (2) The number of patent claims shall be in accordance with the nature of the invention for which a protection is sought. If there are more patent claims, their order shall be marked by Arabic numbers.
- (3) The claim shall be into one sentence and shall contain:
- 1) introductory part in which the title of the invention and the technical features which in mutual combination belong to the previous state of art, and which are necessary for the definition of the features of the invention requiring protection, are indicated and
  - 2) the second characteristic part of the request preceded by the expressions “characterized by“ or “characterized in that“ which the technical features of the invention for which a protection is sought when combined with the technical features of the previous state of art of item 1) of this paragraph are indicated.
- (4) One or more dependent patent claims referring to the special features of the invention may be set to every independent patent claim in which the essential technical features of the invention are indicated.
- (5) The patent application may contain more than one independent patent claim in a same category (product, procedure, appliance or use) if the subject of the invention refers to at least one of the following:
- 1) Group of interconnected products;
  - 2) Various use of the product or the appliance and
  - 3) Alternative solutions to a certain problem when those alternatives cannot

appropriately be included in one patent claim.

(6) The dependent patent claim includes the specific technical features of other (dependent or independent) patent claim and, if possible, at the beginning the claim shall contain reference to other patent claim or other patent claims, which is followed by the additional features for which a protection is sought. All dependent patent claims referring to one or more previous patent claims shall be grouped in a way that easily determines their interconnection and their meaning so that connection would be clearly interpreted.

(7) Patent claims, except when absolutely necessary, shall not refer to a description or drawings in regard with the technical features of the invention. Especially, they shall not contain phrases such as: “as described in the part... of the description “or “ as presented at the figure... drawing “.

(8) If the patent claim contains drawings, it is desirable to indicate the reference signs of the drawing referring to those technical features which precede them in the patent claims. Reference signs shall be identical with those in the drawing and they shall be put in brackets. If the introduction of reference signs does not increase the comprehensibility of the patent claim, they shall not be introduced. The reference signs shall not restrict the claim.

### **Brief content of the essence of the invention (abstract)**

#### **Article 7**

(1)The abstract shall contain a title of the invention and a brief content of the invention presented in the description, patent claims and the drawing. The brief content shall contain the technical field to which the invention refers to and shall enable clear comprehension of the technical problem, its solution and the basic manner or manners of use of the invention. If necessary, the chemical formula that characterizes the invention better than the other formulas in the application shall be indicated.

(2) The abstract shall neither contain indications regarding arbitrary features and values of the invention, nor indications regarding theoretical possibilities of its application.

(3) If the patent application contains a drawing, the applicant shall mark the figure, or more figures that he/ she propose for publishing with the abstract. The Office may not make a decision to publish another drawing or drawings which characterize the invention better, if it has not informed the applicant. All main features of the invention indicated in the abstract and presented in the drawing shall be in brackets together with the reference signs.

(4) The abstract shall be composed in a way which provides an efficient instrument for searching in a certain technical field, especially for the assessment of the need for inspection of the complete patent application.

(5) The abstract shall contain 150 words at most.

## **Drawings**

### **Article 8**

(1) Usable surface area of the sheets containing drawing shall not exceed 26, 2 x 17 cm and the sheets shall not contain frames limiting the working surface of the sheet. The minimum margins of the sheets with drawings shall be as follows:

- 1) top 2, 5 cm
- 2) left side 2, 5 cm
- 3) right side 1, 5 cm
- 4) bottom 1 cm

(2) The drawings shall be produced as follows:

- 1) lines should be equally thick, black, well-defined and continuous, and the surface between them shall not be coloured or toned.
- 2) cross-sections shall be hatched which does not impede the visibility of the main lines and the reference signs;
- 3) the ratio of the drawings and the distinctness of their graphic representations shall easily display all features when the photographic reproduction is decreased;
- 4) all numbers, letters and reference signs on the drawings shall be simple and clear, and brackets, circles or quotation marks referring to them shall not be used;
- 5) elements of the drawings shall be proportionate, unless disproportions are necessary for bigger distinctness of the drawing;
- 6) height of numbers and letters shall not be smaller than 0, 32 cm; Cyrillic shall be used for the description of the drawing, or other alphabet when necessary;
- 7) the sheet with a drawing may contain more figures, if one is produced as a whole on two or more sheets, parts of the figure on different sheets shall be produced so that the whole drawing can be composed by overlapping separate parts of the drawing on different sheets; figures on a same sheet must be arranged from the top down, clearly separated from each other, and without big spacing; different figures must be marked in order with Arabic numbers, regardless of the sheet number;
- 8) reference signs that are not mentioned in the description shall not appear on the drawing and vice versa.
- 9) equal features, marked with reference signs, shall be marked with the same signs throughout the whole application.
- 10) if the drawings contain many reference signs, it is recommendable that they shall be attached on a separate sheet with a list of all reference signs and features marked with them;
- 11) The drawing shall not contain text segments, except for short words such as: "water", "steam", "open", "close", "section A-B", or it can contain short key words necessary for the understanding of the text in a block of diagrams and in the diagram, and;
- 12) the drawings shall be produced using means that enable production of the drawing in accordance with paragraph (2) of this Article.

## Content and form of the constituent elements of the patent application

### Article 9

(1) The constituent elements of the patent application shall be suitable for electronic and direct reproduction by scanning, photographic multiplication, electrostatic procedure, offset reproduction and microfilming in indefinite number of copies. The sheets shall not be folded or ripped and they shall not be overlapped. Only one side of the sheet shall be used.

(2) The sheets shall be on A4 paper size (29, 7 x 21 cm) in white colour, smooth, matt, strong, durable and pliable. Every sheet shall be used so that the upper and lower side are the shorter sides of the Form (so-called "high form").

(3) Every constituent element of the patent application (the request for a grant of a patent, the description of the invention, the patent claims, drawings and the abstract) shall begin on a new sheet and shall be signed by the applicant. The sheets shall be interconnected so that they could easily be turned, separated and reconnected.

(4) The minimal margins on the sheets without drawings shall be as follows:

Top	2 cm
Left side of the sheet	2,5 cm
Right side of the sheet	2cm
Bottom	2 cm

(5) The maximum margins on the sheets without drawings shall be as follows:

Top	4 cm
Left side of the sheet	4 cm
Right side of the sheet	3 cm
Bottom	3 cm

(6) When filing the patent application, the sheet margins shall be completely empty (blank).

(7) All sheets of the patent application shall be numbered with Arabic numbers in the centre of the top side, but not on the top margin.

(8) The request for a grant of a patent, the description of the invention, the patent claims and the abstract shall be printed or typed. Only the graphic symbols and signs, chemical and mathematic formulas, may be handwritten, if necessary. The spacing between the lines of the printed text shall be 1,5 from the line.

(9) The height of the large letters in the text must not be less than 0, 21 cm and the print



of the letter on the sheet shall be dark and permanent.

(10) The request for a grant of a patent, the description of the invention, the patent claims and the abstract shall not contain drawings. The description of the invention, the patent claims and the abstract may contain chemical and mathematic formulas, and the description of the invention and the abstract may contain tables as well. The patent claims may contain tables only if the use of tables is recommendable for the essence of the claim. Tables and chemical or mathematic formulas may be displayed in a “cross-format” if they cannot be displayed appropriately in a “high format”, and then sheets may be arranged so that the title of the tables and formulas shall be put on the left side of the sheet.

(11) Units of the physical values shall be expressed compulsory in units of the International System of Units (SI). Symbols, technical expressions and signs that are adopted and regularly applied in the appropriate technical field shall be used for the mathematical, chemical and molecular formulas and atom masses.

(12) Terminology, signs and symbols shall be used consistently throughout the whole text of the patent application.

(13) The sheets of the text shall be without errors, corrections, overwriting and interlineations. Exception from this rule is allowed only when it disables quality multiplication of the text and does not influence the accuracy of the content.

### **Statements which shall not be indicated in the application**

#### **Article 10**

The patent application shall not contain:

- 1) Statements or drawings opposite to the Law or the morality;
- 2) Degradation of the products or procedures of any third person or of the quality and the meaning of the application or the patent of that person. Comparison with the previous state of art per se shall not be considered as degradation; and
- 3) Statements that are obviously not important or necessary.

### **Additional submissions to the patent application**

#### **Article 11**

(1) Provisions of Articles 5, 6, 7, 8, 9 and 10 of this Regulation shall be applied in the additional attachments of Article 2 paragraph (1) items 2, 3, 4 and 5 as well and they shall be submitted to the Office in the same manner as the patent application.

(2) Documents that are additionally submitted and announced to third persons or which refer to two or more patent applications shall be submitted in a number that coincides with the number of persons to whom the documents are announced or with the number

of applications to which they refer to. If the interested person does not submit the necessary number of copies of the documents, the Office shall provide the necessary number of documents on the expense of the interested person.

### **Application for live biological or microbiological material**

#### **Article 12**

(1) If the patent application refers to a live biological material or a microorganism unavailable to the public, which cannot be described in a way so that an expert from that field may realize the invention, it shall be considered as being described in a sufficiently clear manner, pursuant to Article 45 of the Law on Industrial Property, if the following conditions are met:

- 1) If the live biological material or the microorganism is deposited in a depository institution on the filing day of the application at latest;
- 2) If the patent application contains all data for the live material familiar to the applicant and
- 3) If the title and the address of the depository institution, the official number under which the deposit is registered and the date of depositing are indicated in the application;

(2) Filing the evidence of material deposition of paragraph (1) item 3) of this Article may be done additionally, if there are justified reasons for it:

- 1) 90 days after the filing date of the request for a grant or the requested right of priority and
- 2) until the day of filing the request for earlier taking of the application into procedure, pursuant to Article 55 of the Law on Industrial Property.

### **Availability of the live biological material or microorganism**

#### **Article 13**

(1) From the day of the publishing of the granted patent, the deposited live biological material or microorganism, shall be available to everyone, if:

- 1) the request is submitted to the Office in two copies;
- 2) the Office confirms that it is a granted patent in which the holder refers to a live biological material or microorganism, as well as that the claimant has the right to require issuing of the material;
- 3) the claimant obliges to the Office and to the patent holder that he/ she will not make the required material available to third persons before the expiration of the patent;
- 4) the claimant obliges to the Office and to the patent holder that the required material will be used exclusively for experiments or research until the procedure for a grant of a patent is not completed, regardless of the results of the examination, unless the request is based on a published compulsory licence and

- 5) a copy of the request and a certificate for the grant of the patent for a live biological material or microorganism and for the right of the applicant of issuing a sample of the material are submitted to the authorized institution.

### **Unavailability of the live biological material or microorganism and consequences**

#### **Article 14**

(1) If the material is neither available in the institution where it was deposited nor transferred into other depository institution, it shall be considered that the invention is not described according to Article 45 of the Law on industrial property.

(2) The Office shall not adopt a decision for refusal of the application according to Articles 43 paragraph 3 and 57 paragraph (3) of the Law on industrial property, if

- 1) the depositor makes another deposit of microorganism within 90 days since the day of receiving the statement from the depository institution that the deposited material became unavailable;
- 2) the depositor encloses a signed statement that the re- deposited material is equal with the previous one, and
- 3) the Office within 90 days since the day of the depositing, received a copy of the certificate issued in the depository institution for depositing of live biological material or microorganism which contains the number of the patent application, or the patent number to which the deposit refers to.

(3) If the reason for unavailability of the material is its non- vitality, it shall be deposited again in the same depository institution, and if there is another reason, then the material may be deposited in other depository institution.

(4) If the authorised institution in which the material is deposited loses the status of an authorised institution or stops operating as an authorised institution for depositing of microorganisms in regard with a certain species of microorganism or overall, and if the depositor within 6 months is not informed about the change, the 90- day deadline of paragraph (2) item 1) of this Article shall start on the day of publishing of that change in the Official Gazette of the International Bureau.

### **List of nucleotide and /or amino acid sequences**

#### **Article 15**

(1) If the description of the patent application contains one nucleotide and / or one amino acid sequence or more such sequences, the list of those sequences shall be filed in electronic form in accordance with the PCT.

(2) If the list of sequences is not filed in accordance with PCT, the Office shall invite the applicant within 90 days to file the appropriate list.

- (3) If the applicant fails to proceed in accordance with the notification given by the Office, it will be considered that the list of sequences is not contained in the description of the invention on the day of filing of the application and that it is not an integral part of the description.

### **III REGISTER OF PATENT APPLICATIONS AND EXTRACT OF THE REGISTER OF PATENT APPLICATIONS**

#### **Content and manner of maintaining the Register of Patent Applications**

##### **Article 16**

- (1) The register of patent applications (hereinafter: Register) shall contain:
- 1) P- number of the patent application and an file number;
  - 2) filing date of patent application;
  - 3) data for the international application: International and regional organization of a country, indicating the number of the publishing and the publishing date, i.e. the application number and the date of application;
  - 4) number and date of the filed European patent application;
  - 5) number and date of the filed PCT patent application;
  - 6) data for the European patent application if there is a conversion into a national application in accordance with Article 125 of the Law on Industrial Property;
  - 7) correspondence address: name or title, address, telephone, fax and e- mail;
  - 8) data for the applicant: surname, name and address of a natural person, or company and registered seat of a legal person;
  - 9) data for European patent application if there is a conversion into national application in accordance with 125 of the Law on Industrial Property;
  - 10) data for the representative if the application is filed through a representative: surname, name and address of a natural person, and company and registered seat of a legal person;
  - 11) data for the inventor: surname, name and address or indication that a written statement that the inventor does not want to be stated in the applications;
  - 12) title of the invention;
  - 13) data for the requested right of priority: name of the exhibition or fair, state and date of first exhibition, i.e. for the union priority right, date of first application , state and application number;
  - 14) designation of invention according to the International Patent Classification;
  - 15) data for the divisional application: number and date of the request, P- number of the divisional application, or of the original application;
  - 16) data for the changes regarding the application: number and date of the request, number and date of the decision and the pursued change;
  - 17) data for the assignment of right: number and date of the request, number and date of the decision and data for the new applicant;
  - 18) data for the Office decision;

- 19) data for the court decision;
- 20) data for the Administrative court decision;
- 21) data for the request for continuation of the procedure and decision;
- 22) data for the proposition of returning to the previous condition and conclusion;
- 23) filing date of the evidence for a substantive examination and data for the decision after the evidence and
- 24) data for paid fees and expenditures and for the grounds for reduction.

(2) The register of paragraph (1) of this Article shall be maintained in electronic form.

### **Extract from the register of applications**

#### **Article 17**

- (1) The Office shall issue an extract from the register of patent applications upon a request of an interested person, indicating the P- number, after filing an evidence for paid fees.
- (2) The extract from the register shall contain data of Article 16 of this Regulation, according to the state on the day indicated in the extract.

## **IV CERTIFICATE FOR THE RIGHT OF PRIORITY**

### **Content of the request for the certificate for the right of priority**

#### **Article 18**

- (1) The request for issuing of a certificate for the right of priority shall contain:
  - 1) Indication of request for issuing of a certificate for the right of priority;
  - 2) P-number which requires issuing a certificate;
  - 3) Data for the applicant;
  - 4) Indication of the required number of certificates for the right of priority;
  - 5) Signature and seal of the applicant, or his/ her representative, and the Evidence for paid fee.

### **Content of the certificate for the right of priority**

#### **Article 19**

- (1) The certificate for the right of priority shall contain:
  - 1) data for the patent applicant: surname, name, address of a natural person, and company and registered seat of a legal person;
  - 2) data for the inventor of the patent application: surname, name and address or statement that the inventor does not want to be stated in the application;
  - 3) P- number;

- 4) filing date of the application;
- 5) title of the invention;
- 6) description of the invention;
- 7) patent claims;
- 8) abstract, unless otherwise determined by international agreement;
- 9) drawings( if any);
- 10) designation according to IPC, and
- 11) indication that data of the certificate are identical with the data of the patent application.

(2) Data of paragraph (1) of this Article shall be designated by INID-codes for identification of bibliographical data of the patent established by the World Organization of Intellectual Property (hereinafter: INID- codes).

## **V. UNITY OF THE INVENTION**

### **Content of the application**

#### **Article 20**

- (1) Unity of invention of Article 35 of the Law on Industrial Property exists if the application contains more independent patent claims which have technical features and technical connection so that they represent a unique inventive concept.
- (2) If the subject of the invention cannot be included into one claim, the independent patent claims of paragraph (1) of this Article shall be part of the same category (product, procedure, appliance, use).
- (3) The special technical features of paragraph (1), of the present Article shall indicate the technical features determining the contribution of each of the stated invention, considered as a whole, to the change of the current state of art.
- (4) The technical connection of paragraph (1) of this Article includes one or more identical or similar technical features which determine the unique inventive concept between more inventions, if there is unity of invention.
- (5) There is unity of the invention when more inventions are interconnected so that they represent a unique inventive concept, regardless of whether the inventions are defined in separate patent claims or as an alternative within the frameworks of a single patent claim.

## **VI. DIVISION OF THE APPLICATION**

### **Content and form of the divisional application**

#### **Article 21**

- (1) Divisional application shall contain:
- 1) request for a grant of a patent in a DZIS-P1 Form, in three copies, indicating the request for application division and number of the original application;
  - 2) description of the invention;
  - 3) one or more patent claims;
  - 4) brief content of the essence of the invention ( abstract);
  - 5) drawing ( if necessary) referred to in the description and the patent claim;
  - 6) evidence of a paid fee for the divisional application and
  - 7) translation into Macedonian language if the application is filed in a foreign language.
- (2) To every divisional original application, a number of new applications equal to the number of the applications deriving from the division, shall be submitted.

An application resulting from division (divisional application) filed in a DZIS- P1 Form, shall be given a new number of the application.

## **VII. EVIDENCE OF THE SUBSTANTIVE EXAMINATION**

### **Content of the evidence of the substantive examination**

#### **Article 22**

The evidence of the substantive examination in accordance with Article 62 of the Law on industrial property shall contain:

- 1) One copy of the patent document of the granted patent;
- 2) Translation of the granted patent claims into Macedonian language and
- 3) Translation of the drawings, if any.

## **VIII. REGISTER OF PATENTS AND EXTRACT OF THE REGISTER OF PATENTS**

### **Content and manner of maintaining the register of patents**

#### **Article 23**

- (1) The register of patents shall contain:
- 1) register number of the patent;
  - 2) P- number, filing date of the application;

- 3) data for the international application: International or regional organization or state with indication of the publishing number and date or the application number and date;
- 4) number and date of the filed European patent application and a publishing number and date of the granted European patent;
- 5) number and date of the filed PCT application and the publishing date and number of the application;
- 6) data for the European patent application if there is a conversion into a national application in accordance with Article 125 of the Law on Industrial Property;
- 7) data for the patent holder, surname, name and address of a natural person, and company and registered seat of a legal person;
- 8) data for the inventor, name, surname and address or statement that the inventor does not want to be stated;
- 9) data for the representative, if the patent holder has a representative, or name, surname and address of a natural person, or company and registered seat of a legal person;
- 10) number and date of the decision for grant of a patent;
- 11) data for the publishing of a granted patent ( number of the Official Gazette of the Office);
- 12) title of the invention;
- 13) designation of the invention according to IPC;
- 14) data for the requested right of priority: name of the exhibition or fair, country and date of the first exhibition, or for the Union priority right, date of the first application, state and number of the application;
- 15) number and date of the initial application if it is divisional;
- 16) deadline of the patent validity and of the filing of the evidence of Article 60 paragraph (1) of the Law;
- 17) filing date of the evidence of paragraph (1) item 11) of this Article;
- 18) data for the decision issued on the basis of the evidence of the substantive examination;
- 19) data for the paid annual fees for the maintaining of the patent validity;
- 20) data for the changes referring to the patent holder: number and date of the request, number and date of the decision and the executed change;
- 21) data for the assignment of right: number and date of the request, number and date of the decision and data for the new holder;
- 22) data for the court decision;
- 23) data for the decision of the Administrative court;
- 24) data for the request for issuing of an additional certificate and data for the decision of the Office;
- 25) data for the request of renewal of the procedure and decision;
- 26) data for the proposal for returning into the previous condition and conclusion; and
- 27) number and date of the decision for returning into the previous condition according to article 268 of the Law on industrial property;

(2) The Register of paragraph (1) of this Article shall be maintained in electronic form.



## **Extract from the register of patents**

### **Article 24**

(1) An extract from the register of patents shall be issued by the Office upon the request of an interested person indicating the register number of the patent, after filing evidence for paid feed.

(2) The extract from the register of patents shall contain the data of Article 23 of this Regulation, according to the state on the day stated in the extract.

## **IX. ENTRY OF CHANGES IN THE REGISTERS**

### **Changes entering the registers**

#### **Article 25**

(1) The following changes shall be entered in the register of patent applications, or the register of patents: name, or company of the applicant, or the right-holder; change of the address, or of the registered seat of the applicant, or of the right-holder; entry or change of a representative; assignment of right; recording and cancellation of a licence; pledge; court decision in regard with declaration of nullity; decisions of the Administrative court; other decisions in regard with court protection of the right, homogenous changes and other changes.

### **Content and form of the request for entry of changes**

#### **Article 26**

(1) The request for entry of changes in the appropriate register shall be filed in a DZIS- P2 form on a A4 paper size, in two copies or in a form whose content coincides with the content of the Form;

(2) The following shall be enclosed to the request of paragraph (1) of this Article:

(3) Evidence of the legal grounds of the change;

(4) Power of attorney of the representative for the appropriate change if the request for entry of changes is filed through a representative and

(5) Evidence for paid administrative fees;

(6) If a legal document which proves the legal grounds is filed for the change of paragraph (2) item 1) of this Article, the document shall be submitted in original or as a certified copy, completely or in the part where the execution of the

change is obvious;

- (7) If the document of paragraph (3) of this Article is filed in a foreign language, the applicant is obliged to the Office to submit a translation into Macedonian language;
- (8) The DZIS P2 Form of paragraph (1) of this Article shall be given in Appendix 2 which is an integral part of this Regulation.

### **Entry of homogenous changes into one request**

#### **Article 27**

- (1) One request of paragraph (1) of Article 26 of this Regulation may require an entry of a change of name and / or address or change of representative for more patents, or more patent applications of the same holder, or applicant, if all granted patents and patent applications to which the request refers to, are indicated.

One request of paragraph (1) of Article 26 of this Regulation may require an entry of assignment referring to more patents, or patent applications of the same holder or applicant, if all patents, or patent applications are indicated in the request and if the scope of the right which shall be transferred is equal and indicated in the request.

- (2) One request of paragraph (1) of Article 26 of this Regulation may require recording of a licence referring to more patents or more patent applications if all patents, or patent applications are indicated in the request and if the right- holder, the licensee and the scope of the licence are equal.

The number of copies of the Form to which the requests for the entry of changes of paragraphs (1) to (4) of this Article are submitted, shall be equal to the number of granted patents or patent applications to which the change refers to.

Fees and expenditures for the changes of this Article shall be paid in an amount equal to the number of changes required in one request.

### **Procedure for entry of changes**

#### **Article 28**

- (1) If the request for the entry of changes is filed according to Articles 26 and 27 of this Regulation and if the evidence fulfils the requirements for change, the Office shall adopt a decision for entry of changes and they shall be entered in an appropriate register.
- (2) If the request is filed according to Articles 26 and 27 paragraph (2) of this Regulation, the Office shall adopt a decision for the last change, indicating all

changes in the request.

- (3) The changes entering the register of patents shall be published in the Official Gazette of the Office after the payment of the appropriate fees for every change separately.
- (4) If the request for the entry of changes is not filed according to Articles 26 and 27 of this Regulation, the Office shall invite the applicant to correct the request within a certain deadline.
- (5) If the applicant fails to proceed in accordance with the notification of the Office, the request for change shall be rejected.
- (6) If the legal grounds upon which the request for entry of change is based on, do not fulfil the legally prescribed requirements, or if the data of the request are not equal with the data from the register, the Office shall refuse the request for the entry of change, if the applicant has been called previously to explain the reasons for not entering the change.

## **X. PUBLISHING OF THE DATA FOR PATENT**

### **Article 29**

- (1) The following data shall be published in the Official Gazette of the Office:
  - 1) register number of patent;
  - 2) type of published document: A- patent, A1- patent with evidence, A2- divisional patent, T1- translation of the patent claims for a granted European patent and T2- translation of the changed claims for patent deriving from the opposition in the EPO;
  - 3) P- number and filing date of the patent application, data for the granted right of priority: name of the exhibition or fair and date of the first exhibition, or for the Union priority right, date of the first application, state and number of application.
  - 4) data of the decision of the certificate for protection of medical products or products for plant protection;
  - 5) number and date of the original application if there is a divisional patent application;
  - 6) filing number and date and publishing number and date of the international application with an indication of the international organization or state;
  - 7) number and filing date of the European patent application and a number and publishing date of the granted European patent;
  - 8) designation of the invention according to IPC;
  - 9) data for the patent holder, surname, name and address of a natural person, or company and registered seat of a legal person;
  - 10) data for the inventor, surname, name and address or indication that the inventor does not want to be indicated;
  - 11) data for the representative, surname, name and address of a natural person, or company and registered seat of a legal person.
  - 12) title of the invention;
  - 13) publishing of the abstract if there is a granted patent or if the patent has a decision based on the evidence of Article 60 paragraph (1) of the Law on Industrial

Property, the first request for patent with indication of the number of the other requests for patent if that is in accordance with the international agreements and conventions to which the Republic of Macedonia has become a party and

14) characteristic drawing referring to the description and the patent claims, or the chemical formula which among other formulas best reflects the essence of the invention.

(2) Data of paragraph (1) of this Article shall be indicated by INID- codes.

(3) Despite data of paragraph (1) of this Article, the following data shall be published in the Official Gazette of the Office as well:

- 1) Changes entering the register of patents;
- 2) Assignment of right;
- 3) Cancellation of the patent validity;
- 4) European patent applications which have paid the prescribed fee for extension on the territory of the Republic of Macedonia in accordance with the Extension Agreement and
- 5) European patents which are maintained by changed patent claims.

## **XI. PATENT CERTIFICATE**

### **Content of the certificate**

#### **Article 30**

(1) The certificate for patent shall contain:

- 1) register number of the patent;
- 2) P- number and filing date of the application;
- 3) data for the international application: Indication of the publishing number and publishing date, i.e. number of the application and date of the application;
- 4) data for the European application: direct European or Euro- PCT, indicating the number and date of application and the number and date of publishing;
- 5) designation of the invention according to IPC;
- 6) data for the patent- holder, surname, name and address of a natural person, or company and registered seat of a legal person;
- 7) data for the representative;
- 8) data for the inventor, surname, name, or indication that the inventor does not want to be indicated;
- 9) title of the invention;
- 10) data for the granted right of priority;
- 11) indication if one of the decision of Article 66 of the Law on industrial property has been issued on the issuing date of the certificate;
- 12) issuing date of the certificate and
- 13) publishing date of patent in the Official Gazette.

(2) Data of paragraph (1) of this Article shall be indicated by INID- codes.

## **Content of the patent specification**

### **Article 31**

(1) The patent specification shall contain the following data:

- 1) register number of patent;
- 2) P- number and the filing date of the application;
- 3) data for the international application: indication of the publishing number and publishing date , i.e. the number of the application and the date of the application;
- 4) data for the European application: indication of the publishing number and publishing date , i.e. the number of the application and the date of the application;
- 5) data for the European patent application if there is conversion according to Article 125 of the Law;
- 6) designation of the patent according to IPC;
- 7) validity of the certificate:
- 8) data for the patent- holder, surname, name and address of a natural person, or company and registered seat of a legal person;
- 9) data for the inventor, surname, name, or statement that the inventor does not want to be stated;
- 10) data for the representative;
- 11) title of the invention;
- 12) data for the recognized right of priority;
- 13) Abstract of the invention, unless determined otherwise by the international agreements and conventions which the Republic of Macedonia has agreed with;
- 14) Description of the invention, unless determined otherwise by the international agreements and conventions to which the Republic of Macedonia has become a party;
- 15) Patent claims and
- 16) Drawings, if any, or formulas if the invention is of the field of chemistry.

(2) Data for paragraph (1) of this Article shall be indicated by INID-codes.

**XII. CONTENT OF THE REQUEST AND OTHER CONSTITUENT ELEMENTS AND ATTACHMENTS TO THE REQUEST FOR THE ISSUING OF A CERTIFICATE FOR PROTECTION OF MEDICAL PRODUCTS AND CERTIFICATE FOR PROTECTION OF PRODUCTS FOR PLANT PROTECTION**

**Request for the issuing of a certificate**

**Article 32**

- (1) A request for the issuing of a certificate for protection of medical products or products for plant protection shall be filed in a DZIS- P6 Form on a A4 paper size( in three copies);
- (2) The DZIS-P6 Form shall be given in Appendix 6 which is an integral part of this Regulation;
- (3) Other attachments shall be enclosed to the request of paragraph (1) of this Article;
- (4) If the space provided in the related section of the Form DZIS-P6 is not sufficient, the requested datum shall be filed as a separate supplement to the form DZIS-P6 in total content, indicating the number of the section to which the supplement refers to.

**Other constituent elements and attachments to the request for the issuing of a certificate**

**Article 33**

- (1) Other constituent elements and attachments to the request for the issuing of the certificate for protection of medical products or products for plant protection of Article 32 paragraph (3) of this Regulation are:
  - 1) Approval for placing the product on the market of Article 80 paragraph (2) of the Law on Industrial Property in the Republic of Macedonia;
  - 2) Certified copy of the publishing of the first approval for placing the product on the market in any member state of the Paris Union and WTO, if the approval of item 1 of this Article is not the first approval for placement on the market;
  - 3) Translation into Macedonian language of the publishing of item 2 of this paragraph;
  - 4) Evidence for paid fee of the request and
  - 5) Power of attorney, if the request is filed through a representative;
- (2) The constituent elements and attachments of paragraph (1) of this Article shall contain a signature and seal of the applicant or of the representative if the application is filed through a representative.

## **Publishing of data of the decision for a certificate for protection of medical products and products for plant protection**

### **Article 34**

(1) The following data of the decision for certificate for protection of medical products or products for plant protection shall be published in the Official Gazette of the Office:

- 1) number and date of request;
- 2) number of the basic patent;
- 3) title of the invention;
- 4) title of the product which requires protection or indication of the active substance or component and if possible, indication of its structural formula, chemical name and / or generic name;
- 5) data for the applicant, surname, name and address of a natural person, or company and registered seat of a legal person, and if there are more applicants, a written statement for joint agent shall be filed;
- 6) data for the representative, if the application is filed through a representative, name and address of a natural person, or company and main office of a legal person;
- 7) number and date of the approval for placement of the product in the Republic of Macedonia;
- 8) indication of data for the first approval for placement of the product, indicating the member state of the Paris Union and the WTO, number and date of publishing, product;
- 9) Number and date of the certificate;
- 10) Validity of the certificate for protection and
- 11) Holder of the certificate for additional protection.

(2) In case of cessation of the certificate validity, the data of paragraph (1) of this Article and the legal grounds and the date of cessation of the certificate shall be published as well.

## **XIII. APPLICATION ACCORDING TO PCT AND THE EXTENSION AGREEMENT**

### **Content of the application filed through the Office as a receiving Office according to PCT**

#### **Article 35**

(1) The patent application filed through the Office as a receiving Office according to PCT shall contain:

- 1) Request for international filing of the application according to PCT on a DZIS-P3 Form, on a A4 paper size, in three copies;
- 2) Request for international filing of the patent application in a Form issued by

- the International Bureau of the World Organization of Intellectual property PCT/ RO/ 101, filed in English language, in three copies;
- 3) Prescription of the invention equal to the description in the national application, in English language;
  - 4) Patent claims equal to the patent claims in the national application in English language;
  - 5) Drawings ( if any) referring to the description or the patent claims, equal to the drawings of the national application, translated in English language;
  - 6) Abstract equal to the abstract contained in the national application, in English language;
  - 7) Evidence for paid administrative fee and
  - 8) Evidence for paid expenditures.

(2) The Form PCT/ RO/ 101 of paragraph (1) item 2 of this Article shall be given to the interested person by the Office.

**Form of the request for filing the application submitted through the Office as a receiving Office according to PCT**

**Article 35**

(1) The Form DZIS-P3 of Article 35 paragraph (1) item 1 of this regulation shall be given in Appendix 3 which is an integral part of this Regulation.

(2) If the space provided in the related section of Form DZIS-P3 is not sufficient, the required datum shall be submitted as a separate supplement to the Form DZIS-P3 in total content, indicating the number of the section to which the supplement refers to.

**Content of the application and form of the request for applications filed to the Office as an elected or designated Office according to PCT**

**Article 37**

(1) The application filed to the Office as a designated or elected Office according to PCT shall contain:

- 1) request for a grant of an international application according to PCT in a DZIS-P4 Form, on A4 paper size, in three copies;
- 2) translation of the application into Macedonian language;
- 3) report of the international search and / or international preliminary examination;
- 4) one copy of the original of the application;
- 5) evidence for paid administrative fee, and
- 6) Power of Attorney of the representative.

(2) The DZIS-P4 Form shall be given in Appendix 4 which is an integral part of this Regulation.



(3) If the patent claims are changed according to Article 19 of PCT or if the international patent application is changed, the applicant shall file the Macedonian translation of the changes.

### **Content of the application and form of the request for applications submitted to the Office according to the Extension Agreement**

#### **Article 38**

(1) The application submitted to the Office according to the Extension agreement shall contain:

- 1) request for a grant of a patent in accordance with the Extension agreement, in a DZIS- P5 Form, on A4 paper size, in three copies;
- 2) one copy of the original of the European patent application;
- 3) one copy of the original on B1 publishing of a granted European patent and /or of the decision of the European Patent Office for a grant of an European patent;
- 4) translation of the patent claims into Macedonian language;
- 5) translation of the drawings into Macedonian language;
- 6) Power of Attorney of the representative; and
- 7) Evidence for a paid annual fee for the maintenance of the European patent for the year following the publishing of the granting for the European patent.

(2) If the patent claims are changed or if the European patent application is changed, the applicant shall file translation of the changes into Macedonian language.

(3) The DZIS- P5 Form of paragraph (1) item 1 of this Article shall be given in Appendix 5 which forms an integral part of this Regulation;

(4) If the space provided in the related section in the Form DZIS-P5 is not sufficient, the required datum shall be submitted as a separate supplement to the Form DZIS-P5 in total content, indicating the number of the section to which the supplement refers to.

### **Cancellation of validity**

#### **Article 39**

The day this Regulation enters into force, the Regulation on patent ('Official Gazette of the Republic of Macedonia', number 18/ 2004 and 93/ 2006), the Regulation on the form and content of the request and other constituent elements and attachments to the request for the issuing of the decision for certificate for protection of medical products ('Official Gazette of the Republic of Macedonia', number 93/ 2006) and the Regulation on form and content of the request and other constituent elements and attachments to the request for the issuing of the decision for certificate for protection of products for plant protection ('Official Gazette of the Republic of Macedonia', number 93/ 2006) shall cease to be valid.

**Entry into force**

**Article 40**

This Regulation shall enter into force on the day after the date of its publishing in the "Official Gazette of the Republic of Macedonia".

No. \_\_\_\_\_

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Skopje

**DIRECTOR  
Safet Emruli MSc.**