

Law regarding fees for patent applications and patents

The Parliament of Romania shall adopt this Law.

Art. 1 – The fees for the proceedings provided for by Patent Law no. 64/1991 shall be paid into the account of the State Office for Inventions and Trademarks, in the amounts and time limits provided for in Annexes 1 and 2 and shall represent incomes at the State budget.

The amounts of fees in lei (national currency) provided for in Annexe 1 shall be indexed according to the Law.

Art. 2 – The sums representing the received fees shall be deposited by the State Office for Inventions and Trademarks at the state budget, according to the provisions of the Ministry of Finance, that shall be issued within 30 days from the entry into force of this law.

Art. 3 – The fee for the issuance of patent and the printing of description shall be paid within 6 months from the publication of the grant of patent. This fee – increased with 50% – may also be paid within a new time limit of 6 months, calculated from the expiration of the first time limit.

Failure to pay such fee provided for in paragraph 1, within the established time limits, shall cause the forfeiture of the owner from the patent issuance rights.

The forfeiture shall be published into the Official Bulletin of Industrial Property.

Art. 4 – The fees for maintenance into force of patent shall be due from the date of the patent application filing, inclusive for the year in which the patent is granted, and shall be paid within 3 months from the date of issuance of patent.

The fees for maintenance into force shall be paid until the first day of each year of protection for the following years of the issuance of patent.

Such fees – increased with 50% – may also be paid in the following 6 months from the expiration of time limits provided for in paragraphs 1 and 2.

Failure to pay such fees within the time limits provided for in this article shall cause the forfeiture of the patent owner's rights under the patent.

The forfeiture shall be published into the Official Bulletin of Industrial Property.

Art. 5 – The inventors, applicants or patent owners having an annual gross revenue up to 1,000,000 lei and having not transferred the right for the exploitation of invention shall pay 10% of the fees amount provided for in the Annexes 1 and 2 of this Law.

Public institutions and commercial societies as well having an annual gross revenue less than 10,000,000 lei and less 200 employees and having not transferred the exploitation of invention right shall pay 50% of the fees amount provided for in Annex 1 or Annex 2, as the case may be.

The scholars, students and the military in term shall be exempt from the payment of fees provided for in Annexes 1 and 2 as individual authors of invention and as members of groups as well formed exclusively by such categories of persons during the period of their quality for the on going proceedings during the same period of time.

Art. 6 – A share up to 30% from the annual revenues obtained in national or foreign currency, as a result of enforcement of this Law, may be used by the State Office for Inventions and Trademarks for fulfilling the activities regarding the technical endowment and computer database provided for in art. 64 letter c) of the Patent Law no. 64/1991.

The annual share of such fund shall be established by the budgetary law and the modality of constitution and use of such fund provided for in paragraph 1 shall be established by dispositions of the Ministry of Finance.

Art. 7 – The fees provided for in Annexes 1 and 2 shall be due for the non-effected proceedings until the date of entry into force of this Law.

Art. 8 – On the date of the entry into force of this Law, The Decision of Government no. 227/5.05.1992 concerning payment of fees for patent applications and patents shall be repealed.

This Law has been adopted by the Senate in the session of December 3, 1992 according to the provisions of art. 74 para (2) of the Constitution of Romania.

President of the Senate
Prof. univ. Oliviu Gherman

This Law has been adopted by the Chamber of Deputies in the session of December 7, 1992 according to provisions of art. 74 para (2) of the Constitution of Romania.

President of the Chamber of Deputies
Adrian Năstase

*Bucharest,
No. 120*

December 18, 1992

**AMOUNTS AND TIME LIMITS
concerning payment of fees in national currency (lei)
and foreign currency for patent
applications and patents**

No.	Object of payment	Time limits for payment	Amount of (lei)	fee (\$)
1.	Registration of the patent application	– in the first month from the date of filing	6,000	30
		– in the 2nd or the 3rd month of the date of filing	9,000	45
2.	Publication of the patent application, at the expiration of 18 months from the date of filing or of priority	– within 3 months from the date of priority claiming or within 6 months from the date of filing	10,000	50
3.	Publication of the patent application before expiration of 18 months from the date of filing or of priority	– at the same time as publication is requested	15,000	75
4.	Search report	– within 18 months from the date of filing	20,000	100
5.	Search report for international applications, registered under the P.C.T.	– at the time the publication of search report is requested	10,000	50
6.	Examination of patent application whose specification does not exceed 10 pages and 5 claims	– within 3 months from the date of filing, without publication of the patent application	90,000	450
		– between the 4th and the 15th months from the date of filing	60,000	300

No.	Object of payment	Time limits for payment	Amount of (lei)	fee (\$)
		– between the 16th and the 30th months from the date of filing	40,000	200
		– at the time the urgent examination is requested	120,000	600
7.	For each page in excess(of 10)		1,000	5
8.	For each claim in excess(of 5)		2,000	10
9.	Issuance of patent and printing of specification	– within 6 months from the date of publication of the decision	20,000	100
10.	Examination of an opposition	– at the time the opposition is filed at the OSIM	30,000	150
11.	Examination of an application for revocation	– at the time the application for revocation is filed at OSIM	60,000	300
12.	Maintenance in force of the patent, for each year:			
	– the first 5 years		16,000	80
	– years 6 to 10, inclusive		30,000	150
	– years 11 to 15, inclusive		60,000	300
	– years 16 to 20, inclusive		100,000	500
13.	Reinstatement of the patent	– at the time the application for reinstatement is filed at OSIM	60,000	300
14.	Completion of the patent application filing:			
	a) subsequent filing of claims and drawings	– at the time filing is effected at OSIM	2,000	10
	b) filing of the translation in Romanian	– at the time filing is effected at OSIM	4,000	40
15.	Claiming of priority:			
	a) at the time the application is registered	– when the patent application is filed at OSIM	10,000	50
	b) within 2 months from the date on which the patent application	– when the priority claiming document is filed	40,000	200
16.	Issue of a priority certificate	– when the application for the issuance of the certificate is filed	1,000	5
17.	Forwarding of the international application, from OSIM, as receiving office, to the International Bureau of WIPO	– before the 13th month from the international priority date	10,000	50
18.	Maintenance of the “secret” status for the documentation of a patent	– two months from conferring the “secret” status	8,000	40

No.	Object of payment	Time limits for payment	Amount of (lei)	fee (\$)
19.	Maintenance of the "non-public" status for the documentation of a patent application, yearly	– at the time the request for such status is filed	8,000	40
20.	Maintenance in force of a patent of improvement			
	a) during its life-time application, yearly	– according to Section 4 of this Law	*	*
	b) after the expiration of its life-time	– according to section 4 of This Law	*	**
21.	Registration of a change in the legal status of the patent application or of the patent:			
	a) registration of an assignment	– at the time the assignment is registered at OSIM	20,000	100
	b) registration of a licence of exploitation	– at the time the licence is registered at OSIM	20,000	100
	c) other modifications	– at the time the request is registered at OSIM	5,000	25
22.	Issue of documents, certificates, copies, duplicates etc.	– at the time the request for issue is registered at OSIM	2,000	10

* 50% of the fee provided for under No. 12 in this Annexe

** the same amount as provided for under No. 12