

**IMPLEMENTING REGULATIONS TO THE AGREEMENT
ON THE VISEGRAD PATENT INSTITUTE**

PART I

GENERAL PROVISIONS

Rule 1

Abbreviated Expressions

(1) For the purposes of these *Implementing Regulations* and unless expressly stated otherwise

- (i) “Agreement” means the Agreement on the Visegrad Patent Institute;
- (ii) “VPI” means the Visegrad Patent Institute;
- (iii) “PCT” means the Patent Cooperation Treaty done at Washington on June 19, 1970, amended on September 28, 1979, modified on February 3, 1984, and on October 3, 2001 and the Regulations annexed to that Treaty as amended;
- (iv) “PCT Article” means an Article of the PCT;
- (v) “PCT Rule” means a Rule of the Regulations under the PCT as in force;
- (vi) “PCT Administrative Instructions” means the Administrative Instructions under the PCT as in force;
- (vii) “PCT norms” mean the PCT, the PCT Administrative Instructions and the PCT International Search and Preliminary Examination Guidelines;
- (viii) “national office” means the central industrial property office of a Contracting State entrusted with the granting of patents;
- (ix) “WIPO” means the World Intellectual Property Organization;
- (x) “International Bureau” means the International Bureau of WIPO.

(2) Where a provision of these Implementing Regulations relating to the application of the PCT norms contains terms or expressions that are defined by the PCT norms, those shall have the same meaning as according to the PCT norms.

Rule 2

Relationship with the PCT

(1) The VPI shall carry out international search and international preliminary examination in accordance with the PCT norms, and perform such other functions of an International Searching Authority and International Preliminary Examining Authority as are provided under the PCT.

(2) The VPI shall maintain a quality management system in compliance with the requirements set out in the PCT International Search and Preliminary Examination Guidelines.

(3) In case of conflict between the PCT and these Implementing Regulations, the PCT shall prevail.

Rule 3

Liability

The liability of the national offices towards the VPI and the liability of the VPI towards the national offices shall be governed by the law applicable as determined through a *mutatis mutandis* application of Article 7(1) and (2) of the Agreement.

PART II

IMPLEMENTING REGULATIONS TO THE ACTIVITIES OF THE VPI

Chapter I

Work Performed under the PCT

Rule 4

Competence of the VPI

(1) The VPI shall act as International Searching Authority for any international application filed with the receiving Office of, or acting for, any Contracting State specified in paragraph (5), provided that the receiving Office specifies the VPI for that purpose, that such application, or a translation thereof furnished for the purposes of international search, is in the language or one of

the languages specified in Rule 5(1) and, where applicable, that the VPI has been chosen by the applicant.

(2) The VPI shall act as International Preliminary Examining Authority for any international application filed with the receiving Office of, or acting for, any Contracting State specified in paragraph (5), provided that the receiving Office specifies the VPI for that purpose, that such application, or a translation thereof furnished for the purposes of international preliminary examination, is in the language or one of the languages specified in Rule 5(1) and, where applicable, that the VPI has been chosen by the applicant.

(3) The VPI shall conduct supplementary international searches in accordance with PCT Rule 45bis, covering at least the documentation referred to in Rule 8(3), subject to any limitation and conditions set out in Rule 8.

(4) Where an international application is filed with the International Bureau as receiving Office under PCT Rule 19.1(a)(iii), paragraphs (1) and (2) apply as if that application had been filed with a receiving Office which would have been competent under PCT Rule 19.1(a)(i) or (ii), (b) or (c) or PCT Rule 19.2(i).

(5) The VPI shall act for the nationals and residents of the following States:

(i) the Contracting States of the VPI Agreement;

(ii) the Contracting States of the European Patent Convention which are adjacent countries to the Contracting States of the VPI, if applicable, in accordance with the Protocol on the Centralisation of the European Patent System.

Rule 5

Languages

(1) The VPI accepts the following languages: Czech, Hungarian, Polish, Slovak and English.

(2) The languages used by the VPI, for the correspondence other than with the International Bureau, are Czech, Hungarian, Polish, Slovak and English.

Rule 6

Tasks of the VPI as an International Searching Authority

(1) The applicant may request in the international application that the VPI shall be the International Searching Authority. The international application must be in a language accepted by the VPI as an International Searching Authority.

(2) An international search includes a search for the relevant prior art and the establishment of an international search report and a written opinion.

(3) When establishing the international search report, the examiner establishes a written opinion as to whether the claimed invention appears to be novel, involves an inventive step, is industrially applicable and meets the other requirements of the PCT which are checked by the International Searching Authority.

(4) In the case of PCT Article 17(3)(a), for each further invention for which an international search is to be carried out, an additional international search fee shall be paid.

(5) The VPI shall submit the international search report and the written opinion to the International Bureau and the applicant.

Rule 7

International-Type Searches

(1) The applicant may request in the national application that the VPI carry out an international-type search.

(2) An international-type search includes a search for the relevant prior art and the establishment of an international search report.

(3) The international-type search report will be communicated to the applicant.

(4) In case of lack of unity in a national application subject to an international-type search, no reasoned statement on the lack of unity is included in the search report. Furthermore, no invitation to pay additional fees is issued, but applicants may have the possibility to pay these fees directly to the applicants' national offices.

Rule 8

Supplementary International Search

(1) The applicant may, before the expiration of a time limit of 19 months from the priority date, request that the VPI conduct a supplementary international search. If the request is received after the expiration of this time limit, it will be considered not to have been submitted. The extension of this time limit is not allowed.

(2) The VPI shall conduct supplementary international searches in accordance with PCT Rule 45bis. The VPI will accept requests for supplementary international search based on international applications filed in, or translations furnished into, English.

(3) The supplementary international search shall, in addition to the PCT minimum documentation cover at least the documents in Czech, Hungarian, Polish and Slovak, held in the collection of the VPI.

(4) The VPI shall submit the supplementary international search report to the International Bureau and the applicant. Any limitation concerning requests for supplementary international searches shall be published by the VPI. If no search is performed because of such a special limitation, the supplementary search fee will be refunded.

(5) Any limitations and conditions concerning supplementary international searches shall be published on the VPI's website.

Rule 9

Tasks of the VPI as an International Preliminary Examining Authority

(1) The applicant may request that the VPI as an International Preliminary Examining Authority conduct an international preliminary examination.

(2) In the international preliminary examination the issues of novelty, inventive step and industrial applicability will be considered further, taking into account any comments or amendments from the applicant relating to the international search report, in accordance with the PCT.

(3) In the case of PCT Article 34(3)(a), for each further invention for which the international preliminary examination is to be carried out, an additional fee for international preliminary examination shall be paid.

(4) The VPI shall submit the international preliminary report on patentability to the International Bureau and the applicant.

Rule 10

Time limits

(1) The VPI shall establish international search reports, written opinions, international-type search reports, supplementary international search reports and international preliminary examination reports within the time limits mentioned in the PCT.

(2) In accordance with PCT Rule 42.1, the time limit for establishing the international search report shall be three months from the receipt of the search copy by the VPI, or nine months from the priority date, whichever time limit expires later.

(3) The VPI shall establish written opinions within the time limit calculated in accordance with PCT Rule 43bis.1.

(4) PCT Rule 42.1 shall also apply to the time limit for establishing an international-type search report.

(5) The VPI shall establish the supplementary international search report within 28 months from the priority date.

(6) In accordance with PCT Rule 69.2, the time limit for establishing the International Preliminary Examination Report shall be 28 months from the priority date, or six months from the time provided under PCT Rule 69.1, or six months from the date of the VPI being in receipt of any translation furnished under PCT Rule 55.2, whichever expires last.

(7) The VPI shall publish its currently applicable time limits on its website.

Rule 11

Copies of documents cited in search reports

(1) Any applicant or designated Office is entitled to request copies of the documents cited in the search report at any time within 7 years of the international filing date of the international application.

(2) If such a request is received, the VPI shall prepare documents and submit the documents to the applicant or the designated Office making the request. The stipulated fee shall be paid.

Rule 12

Fees paid under protest

(1) Where an additional fee has been paid under protest, a review body of the VPI shall examine the protest in accordance with PCT Rule 40.2(c)-(e) or PCT Rule 68.3(c)-(e), subject to payment of the prescribed protest fee.

(2) Panels of the review body shall be set up at the VPI's headquarters and branch offices. The Administrative Board shall establish the list of the members of the review body and appoint the chairpersons acting at the VPI's headquarters and branch offices.

(3) Further details concerning the procedure and the composition of the panels shall be determined by the Administrative Board of the VPI.

Chapter II

Any other Work Performed by the VPI

Rule 13

Contractual Work

(1) In accordance with Article 3(3) of the Agreement and upon decision of the Administrative Board, the VPI shall perform all other duties that have been entrusted to it.

(2) The VPI may enter into agreements with other industrial property offices and private entities. The type of services under such agreements may be patent search and examination as well as services related to them.

PART III

ADMINISTRATIVE PROVISIONS

Rule 14

Quality Management System

(1) Activities of the VPI shall be carried out in accordance with a common quality management system.

(2) The VPI shall seek ISO certification for its quality management system.

Rule 15

Payments

(1) The Schedule of Fees is annexed to these Implementing Regulations.

(2) Unless otherwise stated in the PCT, a payment shall be deemed to be received by the VPI when it has been registered in the bank account of the VPI.

(3) If no fees are paid, or the amount paid is insufficient, the VPI invites the applicant to pay the missing amount, together with, where applicable, a late payment fee in accordance with the PCT norms.

(4) The VPI shall transfer the handling fees collected during the preceding month to the International Bureau in accordance with the PCT norms.

Rule 16

Communications

(1) The VPI shall accept communications on paper and in electronic form. The internal administrative instructions under Article 9(3)(i) of the Agreement shall specify which forms of electronic communications are accepted.

(2) The internal administrative instructions shall specify under which conditions the VPI accepts communications through the use of other media (e.g. video conference-equipment).

(3) The means of communication between the VPI and the WIPO shall be included into the agreement between the VPI and WIPO.

(4) Unless otherwise stated in the PCT norms, a communication shall be deemed to be received when the communication arrived at the headquarters of the VPI or at one of its branch offices.

(5) Communication on paper shall be given a date of receipt. Communication delivered after regular office hours on a business day or during days of closing shall be deemed to be received on the date of delivery, if such communication was delivered in the mailbox of the VPI.

(6) Communication in electronic form is deemed to be received when logged into the e-PCT system applied at the VPI. Communication submitted by facsimile shall be deemed to be received on the date of the receipt of the complete facsimile.

(7) Communication meant for the VPI, but wrongly submitted to a national office, shall be forwarded by that national office to the VPI. The date of receipt of that communication will be as determined by paragraphs (4)-(6). Communication meant for a national office, but wrongly submitted to the VPI, shall be forwarded by the VPI to the national office for which it originally was intended. The applicant will receive information that the communication is forwarded.

(8) The time limits laid down in the PCT norms shall apply to responding. Time limits not covered by the PCT norms shall be determined by the VPI in each instance.

(9) Provided that the time limit for communication to be submitted to the VPI expires on a Saturday, Sunday or a national public holiday at the VPI's headquarters or at one of its branch offices, the expiry of the time limit shall be postponed until the following business day.

Rule 17

Administering of Files

(1) The VPI shall constitute, maintain and preserve files relating to all international applications it receives.

(2) The internal administrative instructions shall determine the location and the form in which these files shall be constituted, maintained and preserved.

(3) Documents incorporated in an electronic file shall be considered to be originals.

(4) Any files shall be preserved for at least ten years from the international filing date, as set out in PCT Rule 93.

PART IV

FINAL PROVISIONS

Rule 18

Amendments

The amendments of these Implementing Regulations shall be adopted in accordance with Article 12(1)(i) of the Agreement.

Rule 19

Entry into Force

The Implementing Regulations shall enter into force on 23 February 2016.

(amounts on 1st February 2017)

Schedule of Fees

Fee	Amount in EUR
Search fee PCT Rule 16.1(a)	1875
Additional international search fee PCT Rule 40.2 (a)	1875
Search fee refund If the earlier search carried out by any of the national offices of the Contracting States can be used	40%
If an earlier international search report or international-type search report can be used	40%
Fee for the late furnishing of sequence listings PCT Rules 13ter.1(c) 13ter.2	230
Protest fee PCT Rules 40.2(e) and 68.3(e)	875
Supplementary international search fee PCT Rule 45bis.3(a)	[2046 CHF ¹]
– for a search only in the VPI’s national documentation in Czech, Hungarian, Polish and Slovak language	[600 CHF ¹]
Review fee relating to a supplementary international search PCT Rule 45bis.6(c)	875
Supplementary search handling fee PCT Rule 45bis.2	[200 CHF ²]
Late payment fee relating to a supplementary international search PCT Rule 45bis.4(c)	50% of the supplementary search fee
Cost of copies PCT Rule 44.3(b) per page	0.80
Preliminary examination fee PCT Rule 58.1(b)	900

Late payment fee PCT Rule 58bis.2	50% of the unpaid fee(s) but not to exceed 330
Handling fee PCT Rule 57.1	183
Additional preliminary examination fee [Rule 68.3(a)]	900
Cost of copies cited during the international preliminary examination PCT Rules, 71.2(b) and 94.2, per page	0.95

^{1,2} Fee payable in CHF for the International Bureau WIPO
