

**AGREEMENT BETWEEN
THE GOVERNMENT OF MONTENEGRO
AND THE EUROPEAN PATENT ORGANISATION
ON EXTENSION OF EUROPEAN PATENTS
(EXTENSION AGREEMENT)**

THE GOVERNMENT OF MONTENEGRO, represented
by Mr Branimir Gvozdenović, Minister for Economic Development

and

THE EUROPEAN PATENT ORGANISATION ("The Organisation"), represented
by Ms Alison Brimelow, President of the European Patent Office ("EPO")

HAVING REGARD

to the Convention on the Grant of European Patents of 5 October 1973 as last revised by
the Act revising the European Patent Convention of 29 November 2000
("European Patent Convention") and, in particular, Article 33(4) thereof, and

to the Patent Act of Montenegro,

TAKING INTO ACCOUNT

that the Patent Act of Montenegro provides for a level of protection for patents for
inventions similar to that existing in the Member States of the European Patent
Organisation,

that Montenegro will provide for a system enabling the effects of European patents to be
extended to its territory in accordance with the provisions attached to this Agreement
("Extension System"),

WHEREAS

Montenegro is a party to the Patent Cooperation Treaty and has designated the EPO as
International Searching and Preliminary Examining Authority under the said Treaty,

RECOGNISING

the need to fully apply the standards of the Agreement on Trade-Related Aspects of
Intellectual Property Rights (TRIPS Agreement),

NOTING

the request of Montenegro for administrative support by the EPO in implementing such a
system,

CONVINCED

that cooperation between the Organisation and Montenegro is of mutual interest and will
strengthen the protection of industrial property in Europe,

HAVE AGREED AS FOLLOWS:

Article 1
Subject of the Agreement

The contracting parties shall cooperate within the scope of this Agreement to further develop the infrastructure for an efficient functioning of a system of extension of European patents to Montenegro.

Article 2
Technical cooperation

Within the scope of its capabilities the Organisation shall assist Montenegro particularly in

- (a) providing basic training and specialisation for the staff at the Office for Intellectual Property Rights of Montenegro ("the Office") and for specialists of other government bodies whose work involves patent matters;
- (b) developing an appropriate documentation for patent information services;
- (c) producing the Office's official publications relating to patent matters;
- (d) modernising the patent information system;
- (e) building up data-processing systems for the administration of patents.

Article 3
Legal and administrative cooperation

- (1) The contracting parties shall regularly exchange information on legal developments relating to their respective patent system.
- (2) If requested by Montenegro to do so, the Organisation shall give advice on proposals for enacting or amending legal provisions relating to the patent system of Montenegro.
- (3) The EPO and the Office shall cooperate in order to prepare the implementation of the Extension System.

Article 4
Processing of requests for extension

- (1) The EPO shall accept, process and publish any request for extension of European patents to Montenegro and shall communicate to the Office any necessary information regarding the proceedings relating to the European patent applications and patents concerned.
- (2) Within the scope of its capabilities, the EPO shall on request give assistance to the Office by communicating any other useful information.

Article 5
Information concerning extended European patents

The Office shall inform the EPO of the legal status of any extended European patent, in particular of its being void, of its lapse, renunciation or cancellation.

Article 6
Financial matters

- (1) The extension fee shall be 102 EUR for each request for extension and be collected by the EPO. 76.50 EUR of the extension fee shall be due to the Office and be transferred into its account in consideration of the intention of Montenegro to use part of that fee to promote industrial property in Montenegro. The EPO shall keep 25.50 EUR of the extension fee to cover the costs incurred by carrying out its tasks under the Extension System.
- (2) The amount of the extension fee and the proportion thereof to be kept by the EPO may be amended by agreement between the President of the EPO and the Director of the Office.

Article 7
Joint Committee

- (1) A joint committee shall be set up to discuss all matters arising from this Agreement and its implementation. The committee shall be composed of representatives of the EPO and the Office. Representatives of other government bodies involved in or directly affected by the implementation of the Agreement may be consulted.
- (2) The committee shall meet on the initiative of either the Director of the Office or the President of the EPO. The agenda for each meeting, and the venue and date thereof, shall be fixed by agreement between the two Offices.

Article 8
Implementation of the Agreement

- (1) The tasks incurred by the contracting parties in consequence of this Agreement shall be carried out by the EPO and the Office. The EPO may entrust individual tasks under Article 2 of this Agreement to the Patent Offices of the Contracting States to the European Patent Convention, subject to their consent.
- (2) The details of the implementation of this Agreement shall be fixed by agreement between the Director of the Office and the President of the EPO.

Article 9
Amendment of the Agreement

At the request of the Organisation or of Montenegro, the contracting parties shall enter into negotiations on amending this Agreement.

Article 10
Duration of the Agreement

- (1) This Agreement shall be concluded for a period of five years and shall be extended for further two-year periods unless a contracting party objects to this in writing no later than six months prior to the end of the period in force.
- (2) This Agreement may be terminated in writing by either contracting party; termination shall take effect one year after receipt by the other party of the notice of termination, unless the said notice specifies a longer period or the contracting parties agree on a shorter period.
- (3) If this Agreement is terminated, Articles 4 to 6 shall continue to apply to any European patent application in respect of which a request for extension has been filed prior to its termination, and to any European patent granted thereon.

Article 11
Entry into force

The date on which this Agreement shall enter into force shall be determined by a mutual exchange of notes between the two parties, following the enactment by Montenegro of provisions provided in the Annex of this Agreement.