Aim of the Publication

Without question, the Manual for the Handling of Applications for Patents, Designs and Trademarks throughout the World is the most comprehensive, authoritative reference for the international industrial property practice. It is published in a loose leaf printed version and an online version. Its exhaustive contents include separate chapters, in alphabetical order, for over 200 countries and several regional industrial property protection systems. The online version includes Smart Charts™, a workflow tool to quickly and easily compare information across multiple jurisdictions.

Contact Details

For questions and comments please contact: Miriam Weemhoff or Suzanne Leppen
Miriam.Weemhoff@kluwerlaw.com, Suzanne.Leppen@kluwerlaw.com

Outline

PART 1 PATENTS

§1.01 SUMMARY

[A] Kinds of Patents
[B] Duration of Patents
[C] Patentable / Not Patentable
[D] Novelty
[E] Requirements and Procedure
[F] Specific Aspects of Regional Patents
[H] Governmental Websites

§1.02 DETAILED INFORMATION
Conventions and Legislation

[1] Conventions
[2] Laws

Kinds of Patents

[1] Supplementary protection certificate

Requirements for Renewal

Patentable / Not Patentable

[1] Chemical compositions
[2] Pharmaceuticals
[3] Second use:

Provide information on the patentability of the first medical use and second/further medical use of known substances, and the type of claims that are allowed. Also information about non-medical second/further use claims can be provided.

[5] Biological materials
[6] Plant varieties
[7] Software-related inventions
[8] Business methods
[9] Immoral inventions or inventions contrary to public order
[10] Semiconductors

Novelty

[1] Grace period

Applicant

[1] Request for grant
[2] Appointment of Representative
[4] Priority
[5] Allowable language(s) upon filing / Language(s) of procedure
[6] Description
[7] Claims
[8] Abstract
[9] Drawings
[10] Payment of fees

Specify time limit for the payment of filing fees.

Requirements for Filing

[1] Obligation to file first with national office
[2] Minimum requirements for obtaining filing date / Provisional applications:

Specify the minimum required items that must be filed on the filing date to obtain said filing date (f.i.: description in any language or a specific language, with or without claims, filing fee or not). Items which are required but may be filed after the filing date should not be mentioned here. The time limits for filing subsequent items should be mentioned under the following subheadings below. Specify if there are separate provisions for provisional applications.

[3] Priority
[5] Allowable language(s) upon filing / Language(s) of procedure
[6] Description
[7] Claims
[8] Abstract
[9] Drawings
[10] Payment of fees

Procedure
[1] Filing Authority
[2] Online filing
[4] Search
[5] Obligation to submit corresponding foreign search results and/or application numbers
[6] Substantive examination
[7] Accelerated examination
[8] Amendments and corrections
[9] Third party observations
[10] Grant
[12] Opposition
[14] Continuation applications
[15] Unity of invention / Divisional applications
[16] Conversion
  Specify if it possible to convert a pending patent application into a utility model application and vice versa.
[17] Publication / Public File Inspection
[18] Withdrawal to prevent publication:
  Specify the time limit for filing the withdrawal, such that publication of the application is prevented.

[K] Nullity and Lapse
[L] Use Requirement
[M] Marking
[N] Licenses
[O] Pledge and Seizure
  This heading deals with pledge and seizure of IP rights as an object of property (not seizure of infringing goods). Specify if it is possible to register declarations of pledge or seizure in the patent register, in order to have effect towards third parties.

[P] Infringement
  [1] Infringing acts / Non-infringing acts
  [2] Prior user rights
  [3] Remedies
  [4] Penal provisions
  [5] Enforcement and Customs:
    Specify if it is possible to send a request to customs authorities to seize infringing goods at the border.

[Q] Restoration
  Specify time limits and requirements for restoration/reinstatement of a lapsed patent application or patent.

[R] Specific Aspects of Regional Patents
  [1] Filing Authority
  [2] Appointment of Representative
  [3] Validation
  [4] Authentic text
Amendments and corrections
Publication
Provisional protection
Simultaneous protection

Specify if a national patent and a regional patent for the same invention can exist simultaneously.

Conversion
Payment of fees

Specify if a fee must be paid upon validation and the time limit for the payment of fees

Specific Aspects of International Patent Applications (PCT)

Receiving Office
International Searching Authority
International Preliminary Examining Authority
National phase / Regional phase
Payment of fees:

Specify the time limit for the payment of filing and other fees in the national/regional phase.

Fees

Table of official fees

Transitional Provisions

Specific Patent Issues

Governmental Websites

PART 2 TRADEMARKS

$2.01 SUMMARY

Duration of Registration
Registrable / Not Registrable
Procedure
Governmental Websites

$2.02 DETAILED INFORMATION

Conventions and Legislation

Conventions
Laws

Duration of Registration

Requirements for Renewal

Registrable / Not Registrable

Colour marks:

Specify if it is possible to register a colour or a combination of colours “as such” (i.e. not tied to any sign) as a trademark. Information about whether a sign can be registered in a specified colour or colour combination can be put under the general heading “Registrable / Not Registrable”.

Three-dimensional marks
[3] Collective marks
[5] Associated marks
[6] Series of marks
[7] Other marks

[E] Applicant

[F] Assignment

[G] Requirements for Filing
   [1] Request for registration
   [2] Appointment of Representative
   [4] Priority

[H] Procedure
   [1] Filing Authority
   [2] Online filing
   [3] Classification
   [4] Search
   [5] Examination
   [6] Registration
   [7] Opposition
   [8] Appeal
   [9] Alteration after Registration
   [10] Publication / Public File Inspection

[I] Nullity and Lapse

[J] Use Requirement

[K] Marking

[L] Licenses and Registered Users

[M] Pledge and Seizure:
   This heading deals with pledge and seizure of IP rights as an object of property (not seizure of infringing goods). Specify if it is possible to register declarations of pledge or seizure in the trademark register, in order to have effect towards third parties.

[N] Infringement
   [1] Infringing acts / Non-infringing acts
   [2] Remedies
   [3] Penal provisions
   [4] Enforcement and Customs:
       Specify if it is possible to send a request to customs authorities to seize infringing goods at the border.

[O] Well-known and Reputed Marks

[P] Trademarks and Trade Names
   Specify provisions for the resolution of conflicts between trademarks and trade names.

[Q] Trademarks and Domain Names
   Specify provisions for the resolution of conflicts between trademarks and internet domain names.

[R] Trademarks and Appellations of Origin / Trademarks and Geographical Indications:
Specify if it is possible to register appellations of origin and/or geographical indications. Specify if geographical indications can be registered as a trademark, and if there is an infringement exemption for entities entitled to use the geographical indication.

[S] Restoration
Specify time limits and requirements for restoration/reinstatement of a lapsed trademark

[T] Specific Aspects of Regional Trademark Registration
[U] Specific Aspects of International Trademark Registration
[V] Fees
[1] Table of official fees


[X] Specific Trademark Issues

[Y] Governmental Websites

PART 3 UTILITY MODELS

§3.01 SUMMARY

[A] Duration of Registration
[B] Registrable / Not Registrable
[C] Novelty
[D] Requirements and Procedure
[E] Governmental Websites

§3.02 DETAILED INFORMATION

[A] Conventions and Legislation
[1] Conventions
[2] Laws

[B] Duration of Registration

[C] Requirements for Renewal

[D] Registrable / Not Registrable

[E] Novelty
[1] Grace period

[F] Applicant

[G] Assignment

[H] Requirements for Filing
[1] Obligation to file first with national office
[2] Minimum requirements for obtaining filing date:
   Specify the minimum required items that must be filed on the filing date to obtain said filing date (f.i.: description in any language or a specific language, with or without claims, filing fee or not). Items which may be filed after the filing date should not be mentioned here. The time limits for filing subsequent items should be mentioned under the following subheadings below.

[3] Request for registration
[4] Appointment of Representative
[6] Priority
[7] Allowable language(s) upon filing / Language(s) of procedure
[8] Description
[9] Claims
[10] Abstract
[12] Payment of fees
  Specify time limit for the payment of filing fees

[I] Procedure
[1] Filing Authority
[2] Online filing
[3] Examination
[4] Amendments and corrections
[5] Registration
[6] Accelerated registration
[7] Opposition
[8] Appeal
[9] Unity of creation / Divisional applications
[10] Branched-off applications:
    Specify if it is possible to file a utility model application based on, and parallel to, a pending (PCT/national) patent application.
[11] Conversion:
    Specify if it possible to convert a pending patent application into a utility model application and vice versa.
[12] Publication / Public File Inspection
[13] Withdrawal to prevent publication:
    Specify the time limit for filing the withdrawal, such that publication of the application is prevented.

[J] Nullity and Lapse
[K] Use Requirement
[L] Marking
[M] Licenses
[N] Pledge and Seizure:
    This heading deals with pledge and seizure of IP rights as an object of property (not Infringement seizure of infringing goods). Specify if it is possible to register declarations of pledge or seizure in the utility model register, in order to have effect towards third parties.
[O] Infringement
[1] Infringing acts / Non-infringing acts
[2] Prior user rights
[3] Remedies
[4] Penal provisions
[5] Enforcement and Customs Specify if it is possible to send a request to customs authorities to seize infringing goods at the border.

[P] Restoration:
    Specify time limits and requirements for restoration/reinstatement of a lapsed utility model
PART 4 INDUSTRIAL DESIGNS AND MODELS

§4.01 SUMMARY

[A] Duration of Registration
[B] Registrable / Not Registrable
[C] Novelty
[D] Procedure
[E] Governmental Websites

§4.02 DETAILED INFORMATION

[A] Conventions and Legislation
   [1] Conventions
   [2] Laws
[B] Duration of Registration
[C] Requirements for Renewal
[D] Registrable / Not Registrable
[E] Novelty
   [1] Grace period
[F] Applicant
[G] Assignment
[H] Requirements for Filing
   [1] Request for registration
   [2] Appointment of Representative
   [4] Priority
   [5] Description
   [7] Multiple deposits
[I] Procedure
   [1] Filing Authority
   [2] Online filing
   [3] Classification
   [4] Search
   [5] Examination
   [6] Registration
   [7] Opposition
   [8] Appeal
   [9] Publication / Deferred Publication / Public File Inspection:
Specify if it is possible to request delayed publication (relevant if applications for patents of invention are filed for the same product, which are generally published 18 months from the priority date)

[J] Nullity and Lapse

[K] Use Requirement

[L] Marking

[M] Licenses

[N] Pledge and Seizure:

This heading deals with pledge and seizure of IP rights as an object of property (not seizure of infringing goods). Specify if it is possible to register declarations of pledge or seizure in the design register, in order to have effect towards third parties.

[O] Infringement

[1] Infringing acts / Non-infringing acts

[2] Prior user rights

[3] Remedies

[4] Penal provisions

[5] Enforcement and Customs

Specify if it is possible to send a request to customs authorities to seize infringing goods at the border.

[P] Restoration:

Specify time limits and requirements for restoration/reinstatement of a lapsed design.

[Q] Specific Aspects of Regional Design Registration

[R] Specific Aspects of International Design Registration

[S] Design and Copyright Protection:

Specify provisions relating to simultaneous design and copyright protection on a product.

[T] Fees

[1] Table of official fees


[V] Specific Industrial Design and Model Issues

[W] Governmental Websites