

## IP Master Patents



## Country and Rules Update

### Quarter 2 2008

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All due dates and actions in IP Master will be calculated based upon country rules. Therefore please install the quarterly update of the country rules. Please note that the IP Rules below have been adopted and applied exclusively for Thomson IP Manager and IP Master.

#### Contents:

- New action codes
- Description of the changes in the national patent laws
- Description of the Auto Update



*The Auto Update has to be run after installation of the rules to ensure proper application of the new laws.*

## No Update of the code table

## Description of the changes in the national patent laws

### BAHRAIN

The drop date calculation for payment of renewal fees on design and utility model patents has been added.

### BANGLADESH

Black box applications, as designated by Case Type '9', are now obtainable.

## **CHILE**

Pharmaceutical patent extensions, also known as SPC's, can be filed in Chile. Case Type 'J' is the designator for pharmaceutical patent extensions.

## **CUBA**

The tax base date for PCT applications entering the national stage in Cuba has been updated. Annuities are payable upon anniversary of the PCT international filing date, not upon anniversary of the priority date claimed in the PCT application. The auto-update, as run in the change mode, will refresh tax history for all unpaid tax years. It is critical to review any Cuban PCT applications and patents appearing on the automatic update report to ensure the patent payment has been made.

If you are an IP Payments customer and encounter any issues regarding payments in Cuba, please contact the IP Payments department at [ipms.ippayments@thomson.com](mailto:ipms.ippayments@thomson.com).

## **EGYPT**

Black box applications, as designated by Case Type '9', could be filed until December 31, 2004.

A data integrity message has been added advising the record should be re-docketed as Case Type 'Regular' if the application date is on or after January 1, 2005.

## **ESTONIA**

Annuities can be paid until the end of the corresponding month for National, PCT and EPC filings in Estonia. The six-month grace period applies until the end of the corresponding month. Renewal fees on design and utility model patents must be paid on the anniversary date and cannot be delayed until the end of the corresponding month.

## **EUROPEAN COMMUNITY DESIGN**

A data integrity check has been added for European Community Design applications to ensure the record is properly docketed with Case Type 'D' (Design) and Filing Type 'D' (European Community Design).

## **EUROPEAN PATENT CONVENTION**

A data integrity message has been added for granted European patents to 'Create individual country records for future patent payments' and will appear each time the record is validated for a period of one year following the date the patent was granted. The designated country records should be created using Filing Type 'E' if the patent was filed directly in the European Patent Office or Filing Type 'X' if EPC was originally designated in a PCT application.

## **EUROPEAN RULES**

For clients who subscribe to the European version of the rules, it is recommended that the description for action code 'GRI' be updated to accommodate changes under EPC 2000.

The revised description would be 'Receipt of communication of grant under Rule 71(3)'.

## **GUATEMALA**

A renewal application must be filed on design patents filed prior to November 1, 2000 to obtain the maximum 15-year term. This action and due date will be automatically calculated by IP Rules.

## **HAGUE UNION**

IP Rules have been added for Hague Union design registrations in Latvia. These registrations are designated by Case Type 'D' (Design) and Filing Type 'H' (Hague Union).

International Hague Union Design registrations, as designated by Case Type 'D' and Filing Type 'H', can designate Syria as of May 7, 2008.

## **ICELAND**

Annuities are payable for tax years 3-20 for pending applications and granted patents in Iceland.

## **INDIA**

An actual working calculation has been added for Pharmaceutical Patents and Patents of Addition. Pharmaceutical Patents are designated by Case Type 'P'. Patents of Addition are designated by Relation type 'A'.

## **INDONESIA**

The due date for payment of accumulated fees upon grant of a patent has been extended from two months to one year.

## **KOSOVO**

The due date for re-registration of Serbian patents in Kosovo has been updated to reflect September 1, 2008. The deadline may be extended; however, no official notification of extension has been issued. Therefore, IP Rules will calculate the earlier date.

## **LATVIA**

IP Rules have been added for Hague Union design registrations in Latvia. These registrations are designated by Case Type 'D' (Design) and Filing Type 'H' (Hague Union).

## **MACAO**

The grace period for late payment of annuities has been extended from six months to twelve months.

## **MALTA**

Payment of renewal fees on design registrations must be made by the actual due date. A grace period for late payment of fees is not obtainable on these patents.

## **MOROCCO**

Black box applications, as designated by Case Type '9', could be filed until December 17, 2004.

A data integrity message has been added advising the record should be re-docketed as Case Type 'Regular' if the application date is on or after December 18, 2004.

## **NETHERLANDS**

Per the law change effective June 5, 2008, annuities are now payable for tax years 4-20 on all granted patents. The base date for the payment of annuities has also been adjusted for all payments due starting with June 2008. The tax year is now calculated from the year the application was filed for regular patents, and the year the original patent was filed for divisional patents. Annuities can be paid until the end of the corresponding month without incurring a surcharge. The six-month grace period for late payment of annuities is still applicable.

Under the prior law, the tax year was calculated from either the grant year or one year from the year of grant. This law change will cause a shift in the tax history for all unpaid tax years on granted patents.

Short-term patents, as designated by Case Type 'S', are no longer obtainable as of June 5, 2008. Existing short-term patents are subject to the same tax year change as for regular patents.

Pharmaceutical patent extension records, as designated by Case Type 'J', will need to be manually updated to reflect the tax base date change. It is recommended that you run a query of all Country = "Netherlands", Case Type = "Pharmaceutical Patent Extension", Status = "Filed or Granted" patent records. After importing this IP Rules update, and running the auto-update in change mode, the revised tax base date of the original patent should be manually entered into the parent filing date field of the pharmaceutical patent extension record for all records appearing in this query. This will ensure the payment is made for the appropriate tax year.

## **NICARAGUA**

Patents filed prior to November 22, 2000, for which an extension of term has not been requested, are valid for a term of 10 years from the date of grant, upon payment of yearly fees for tax years 1-10. Patents filed prior to November 22, 2000, for which an extension of term has been requested, are valid for a term of 20 years from the date of application, upon payment of fees for tax years 3-20.

## **NIGERIA**

Entry into the national phase can be delayed until 30 months from the First Filing/Priority Date.

## **NORWAY**

Annuity payments on EPC patents can be made until the end of the corresponding month without incurring a surcharge.

## **PAKISTAN**

Black box applications, as designated by Case Type '9', could be filed in Pakistan until December 31, 2004. A data integrity message has been added advising the record should be re-docketed as Case Type 'Regular' if the application date is on or after January 1, 2005.

## **PHARMACEUTICAL PATENT EXTENSIONS**

Data integrity messages have been added for pharmaceutical extension patents. If the parent expiration date has been entered into a pending Case Type 'J' record, for which payments are not due for pending applications, and the expiration date is more than six months prior to today's date, the following data integrity messages will be generated each time the record is validated: 'Original patent is due to expire. Confirm SPC status with Patent Office. Grant date required for payment on SPC'. Pharmaceutical extension patents are designated by Case Type 'J'.5.

## **REPUBLIC OF SERBIA**

The due date for re-registration of Serbian patents in Kosovo has been updated to reflect September 1, 2008. The deadline may be extended; however, no official notification of extension has been issued. Therefore, IP Rules will calculate the earlier date.

## **SAO TOME**

Sao Tome will become bound to the Patent Cooperation Treaty on July 3, 2008, and can be designated in a PCT application on or after that date.

## **SEYCHELLES**

National and PCT national stage patents are now obtainable for a 20-year term upon payment of yearly annuity fees.

## **SYRIA**

International Hague Union Design registrations, as designated by Case Type 'D' and Filing Type 'H', can designate Syria as of May 7, 2008.

## **TANGIERS**

Black box applications, as designated by Case Type '9', could be filed in Tangiers until December 17, 2004. A data integrity message has been added advising the record should be re-docketed as Case Type 'Regular' if the application date is on or after December 18, 2004.

## **UNITED ARAB EMIRATES**

Black box applications, as designated by Case Type '9', could be filed in the United Arab Emirates until November 19, 2002. A data integrity message has been added advising the record should be re-docketed as Case Type 'Regular' if the application date is on or after November 20, 2002.

## UNITED STATES

The expiration date calculation for provisional applications has been updated to calculate a term of 1 year from the First Filing/Priority date. This will accommodate the more prevalent practice of filing multiple provisional applications.

The series code verification for provisional applications has been updated to allow for entry of series 60 or 61, as assigned by the USPTO. The series code verification for utility applications has also been updated to allow for entry of series 11 or 12 for applications filed on or after December 6, 2007.

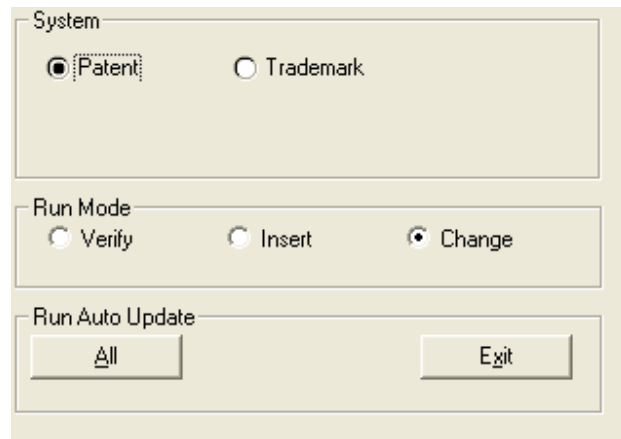
No guarantee

## Auto-Update

The new rules will only calculate your dues and actions after running the Auto Update.

Start the Auto Update by clicking Utilities, Auto Update.

The option insert will only fill in new dates in previously empty fields, while Change will recalculate every applicable field.



The image shows a software dialog box titled "System" with three sections. The first section, "System", contains two radio buttons: "Patent" (which is selected) and "Trademark". The second section, "Run Mode", contains three radio buttons: "Verify", "Insert", and "Change" (which is selected). The third section, "Run Auto Update", contains two buttons: "All" and "Exit".

**Please contact us,  
if you have any question!**  
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