

ORDER NO.112 OF 21 NOVEMBER 2008
APPROVING
THE INSTRUCTIONS ON THE ELECTRONIC FILING OF PATENT APPLICATIONS

EMITTED BY : STATE OFFICE FOR INVENTIONS AND TRADEMARKS
PUBLISHED IN: OFFICIAL GAZETTE OF ROMANIA, NO.864 OF 22
DECEMBER 2008

By virtue of Art. 14 paragraph (6) of the Patent Law no. 64/1991 as republished, and Art. 5 and Art. 93 paragraph (1) of the Implementing Regulation to the Patent Law no. 64/1991, approved by the Government Decision no. 547/2008, on the grounds of the provisions of Art. 6 paragraph (3) of the Government Decision no.573/1998 on the organization and functioning of the State Office for Inventions and Trademarks,

the Director General of the State Office for inventions and trademarks emits the following order:

ART. 1

The Instructions on the electronic filing of patent applications, enclosed in the Annexe as an integral part of this order, shall be approved.

ART. 2

The State Office for Inventions and Trademarks shall carry out this order.

ART. 3

This order shall be published in the Official Gazette of Romania, Part. I, and shall enter into force on 1 March 2009.

Director General of the State Office for Inventions and Trademarks
Gabor Varga

Bucharest, 21 November 2008.
No.112.

ANNEXE

INSTRUCTIONS ON THE ELECTRONIC FILING OF PATENT APPLICATIONS

ART. 1

Electronic filing of patent applications with the State Office for Inventions and Trademarks (OSIM) shall be carried out under the conditions provided by the Patent Law no.64/1991, hereinafter referred to as “Law”, the Implementing Regulations thereto, approved by the Government Decision no. 547/2008, hereinafter referred to as “Implementing Regulations” and the current instructions.

ART. 2

The following documents can be filed by electronic means:

- a) patent applications by national route,
- b) requests for opening the national phase for international applications filed under the Patent Cooperation Treaty.
- c) translation of claims of the European patent application having Romania as a designated State or State for which the extension of effects has been requested,
- d) translation of the European patent specification having Romania as a designated State or State for which the extension of effects has been requested.

ART. 3

The software of the European Patent Office named “*epoline® - Online Filing*” shall be used for filing a patent application by electronic means, software that can be downloaded from the OSIM web page, at www.osim.ro, or from the European Patent Office web page, at www.epoline.org .

ART. 4

Authentication means for transmitted documents and identity of persons communicating with OSIM shall comprise a smart card with an associated PIN code and a device for reading the same, which shall be provided free of charge by the European Patent Office, based on a request submitted thereto.

ART. 5

The request for the provision of the authentication means can only be submitted to the European Patent Office by natural persons and it shall be presented as a form whose content is set by the European Patent Office and published on the web page of the European Patent Office at www.epoline.org .

ART. 6

The forms for the applications under Art. 2 shall be filled in by using the software “*epoline® - Online Filing*” which allows files containing the description, claims, drawings and other documents to be attached.

ART. 7

Provisions of Art. 20, paragraph (1)-(4) of the Implementing Regulations shall be deemed as being complied with if the form is filled in and transmitted only once by using the software “*epoline® - Online Filing*” and if the files mentioned under Art. 6 have been attached.

ART. 8

If the applicant transmits, together with the application, a file containing the document concerning the transfer of the right to the grant of the patent, said document shall also be transmitted on paper, while observing the provisions of Art. 27, paragraph (2) of the Implementing Regulations.

ART. 9

Where the Law or its Implementing Regulation provides that another document than those mentioned within the current instructions shall be presented in a certain form, and the filing thereof as an electronic file does not comply with the legal provisions, said document shall be filed in the form provided for by the Law or its Implementing Regulations.

ART. 10

Provisions of Art. 15, paragraph (10) of the Implementing Regulations shall be deemed as being complied with if the patent application is electronically signed by one of the applicants or the professional representative thereof, by means of the smart card.

ART.11

The actual transmittal of the patent application to OSIM may be made by another smart card owner than the one who signed the application.

ART. 12

The acknowledgement of filing generated by the software and received by the person who transmitted the application immediately after the electronic transmittal of the data package has been completed shall be deemed as complying with the provisions of Art. 4, paragraph (2) of the Implementing Regulations, if it contains at least:

- a) filing number of the patent application,
- b) date and hour of receiving the application,
- c) applicant's name,
- d) title of the invention,
- d) name of the person who electronically transmitted the application.

ART. 13

Patent applications containing classified information cannot be transmitted by electronic means. However, where OSIM ascertains that the received files contain classified information, the responsibility therefor shall be incumbent on the person who decided the transmittal of the application.

ART. 14

The date of filing the electronically filed applications with OSIM shall be:

a) the date of receipt, written on the acknowledgement of filing, for the applications received between 0:00 and 16:30 hours during the working days, from Monday to Thursday or between 0:00 and 14:00 hours during the working days of Friday or

b) the date of the next working day following the date of receipt, written on the acknowledgement of filing, where the hour written on the acknowledgement of filing is not in the intervals mentioned under letter a).

Art. 15 - Notifications of OSIM and communications of the applicant or interested persons, subsequent to the electronic filing of the patent application shall be made on paper, under the conditions provided for by the Law and its Implementing Regulations.