

HOW TO FILE A PATENT APPLICATION

1. Standard application form

You have to file **3 copies of the standard form**, which you can either bring in person or mail to OSIM by regular mail or express. **Each of the copies must be filled in according to the guide on the last page of the form** and to article 14, Law no. 64/1991 regarding inventions, which is amended by Law no. 203/19.04.2002 regarding the modification and the completion of Law 64/91 and rule 8 from its Rules of application approved with Governmental Decision no. 152/1992. The filling in of the forms will be made only in Romanian by **typing and/or printing**.

The applicant can be a natural or legal person. For the last case it is necessary to add the stamp and the signature of the head of the institution which applies for the patent, next to his/her name and position. **If the head of the institution is one of the inventors, he/she cannot sign on behalf of the institution**, and it is necessary that a subordinate associate or the head accountant should sign. If it is the case of single associate, this person must appoint a mandator.

2. Prescriptions regarding the technical documentation (art 15 of the law and rules 14, 15, 16, 17 and 18 from the regulations).

A patent can be granted for any invention of a product or procedure, in all technological domains, provided that it is new, implies an inventive activity and is liable to industrial application. (Art. 7, Law 203/2002)

The three standard forms (according rule 13 of the regulation) must be accompanied by the technical documentation, also in **3 copies, typed or printed, on A4 white paper, only on one side of the paper sheet, including the following divisions: the description of the invention** (according to rule 14 and 15 of the regulation), **the claims** (rule 16), **the explanatory drawings** (if necessary, rule 17), **and the summary of the invention** (rule 18).

Each part will begin on a new sheet of paper, as a distinct material, but all these 4 documents (or 3, if there aren't any drawings), will be numbered continuously, starting from the first page of the description and to the last page of the summary, at the bottom of the page,

centered. The margins must be 2,5 cm, about 30 lines on the page and font size 12. The title is written in capitals, boldfaced and centered. There must not be any spacing between the paragraphs, which must not be numbered but marked by tabs.

Drawings – where necessary – must be made on **white paper or on transparent paper**, size A4, only in **black ink**, with sections, magnifying glasses or diagrams (cinematic, hydraulic, electric or block, as necessary), according to the standards in vigor of technical drawing and they should be in a sufficient number to provide a better understanding of the solution. **The pages with the drawings must not have any borders, standard indicators or the legend of the positions, nor the dimensions or any other notations**, except the numbers of the figures (placed under each figure and centered) and of the positions which must be the same as the mark points in the written parts.

Each of the three sets (comprising the description, the claims, the drawings and the summary, in this precise order) must be stapled in the upper left corner. **One of the three copies must be signed by you on each page in the lower right corner** (or, in the case of institutions, by one of the persons in the board of directors, then stamped. In the case when the inventors are the applicants, the whole collective of the inventors must sign.

For better and more detailed information of the conditions described above it is useful to check the Excerpt from the Regulations and the Norms regarding the national regulatory depository of the patents from the **Examination manual** elaborated by the Strategy Dept. of OSIM.

3. The technical documentation

If you do not have the experience to develop the documentation according to our requirements, we suggest that you appeal to one of the counselors/patent attorneys specialized in industrial property, whom you can choose from the list available at OSIM (in an Official Bulletin in the reading room) or on our site under **“Counselors/patent attorneys”**. You can also contact one of our Regional Centers (the addresses and telephone numbers are also available on our site, under **“Regional centers”**). Another helpful method is to get from the OSIM reading room a patent in the same domain as your invention in order to have a guide for the elaboration of the technical documentation. If you wish, you can also purchase from room 3, at the ground floor of our institution, the book **“Patenting in Romania”** by eng. Valeriu Erhan.

4. Documentary research

Before filing an application for a patent it is advisable to carry out a documentary research in order to develop a new image of the state of the art and progress in the domain that interests you. Thus you can use the last achievements of the domain and you will not run the risk of being rejected on the grounds of lack of novelty or inventive activity. Documentary research can be made in several ways:

- appealing to an industrial property counselor/attorney;
- contacting a regional center;
- on your own through the internet or in the OSIM reading room;

-by filing a standard form requesting documentary research at OSIM and by paying a certain fee, after having consulted on our site the page regarding “**Services**” to find out more on deadlines and fees.

5. Fees

In accordance with the Governmental Decision no. 41/98 amended by Law no. 383/2002 (please check especially art. 2, 10 and Annex 1), the main fees are as follows:

- Registration fee (point 1, annex 1): 900.000 lei
- Publication of the application form 18 months after the deposit date (pt. 3), in the OSIM Official Bulletin for Industrial Property (BOPI), section Inventions: 1.500.000 lei
- Publication of the application form within 18 months since the deposit date (pt. 4, a), in the OSIM Official Bulletin for Industrial Property, section Invention: 3.000.000 lei
- Examination fee within 18 months from the deposit date (pt. 9): 5.000.000 lei
- Examination fee within 18 months from the date of the payment (pt. 10): 9.000.000 lei
- Printing and granting the patent (pt. 11): 3.000.000 lei

The legal fees for the procedures we execute can be paid gradually, in time, after notifications from the Service of preliminary examination and as the procedures are completed. The fees may also be paid when you file your application form, at OSIM, at the pay office. **It is advisable to pay the registration and publication fees at the beginning**, if the documents are filed directly at OSIM (you can either bring them personally or entrust them to another person).

If you are paying by mail or by payment order/bank transfer, please use our bank account (see below) and also mention the registration number of the application form.

All the fees above, except the points 4a and 9, annex 1, can be reduced, according to art 2, function of your **monthly gross income for the last 12 months**, which you must prove with an official notification from the institution where you work, from the Employment Office or with the pension checks. The students must bring a certificate from the dean of the faculty, mentioning the student's name, specialization and year of study. Enlisted soldiers must bring a certificate from their military unit. Convicted persons must send a certificate from the correctional facility.

If your monthly gross income for the last 12 months is **under 12.000.000 lei you will only have to pay 5% of the fees**, which is: 570.000 lei for the registration, publishing and examination of your application. If your monthly gross income is **under 18.000.000 lei you will have to pay only 10% of the fees** above, which is 1.140.000 lei, and **under 24.000.000 lei the fees can be reduced to 25%**, that is 2.850.000 lei.

In the case of institutions the **fees may be reduced to 50%** if the balance sheet for the previous year – which must also be filed at OSIM – certifies a bussines turnover under 2 million Euro and if the invention was the result of a contract signed before the deposit date. **The fees may be reduced to 25% if it is a public institution or a non-profit one.**

After being granted the patent you have to pay every year for a 20-year period a fee which will ensure the validity of your patent, according with pt. 21 of the annex 1, law 383/2002.

6. Protection

When filing the documents mentioned above you will be returned one of the copies of the forms, with the date, register number and our stamp. **From this date on**, and especially from the publication of the summary in our Official Bulletin (art.34, law 64/91), **your invention will have temporary protection until the decision of the Commission for Inventions and then you will be able to take any steps for the application of the invention.**

The patent offers protection only in Romania, for a period of 20 years, starting with the date of the deposit (art.31), provided that you pay the annual fees (annex 1, law 383/2002).

7. Applying the invention

OSIM does not have any attributions or obligations in contacting potential applicants of the inventions.

8. Patenting abroad

If you are interested in the international protection of your invention, according to the Paris Convention, you must file the international standard form, during the **priority period, which is of 12 months**. You will also have to ask for a priority certificate to be released and the application to be prepared for the international phase. (Please check with eng. Adriana Aldescu from the Preliminary Examination Service, 4th floor, extension no. 288). You can also file a national patent application in that particular country. After this final step the procedure for international patenting can be supported only by an industrial property counselor/attorney.

For further details please access “International legislation” page on our site or examine “Patenting Abroad” by Ion Constantin, All Publishing House, Bucharest 1993 and “Patent Cooperation Treaty” (PCT).

9. Suggestions

After filing the application it is useful to keep an account of the development of the procedures and the deadlines when you must answer letters or pay the fees, because, if you do not answer the notifications of our examiners or if you do not pay the fees, your application will be deemed abandoned/waived and therefore, rejected [rule 29(19) of the Regulations, and art. 28 d), law 203/2002]. It is also useful to make up a folder with copies of all the documents you file at OSIM and with all the notifications sent by OSIM.

Whenever you receive a notification signed by an OSIM employee please contact only this particular person because he/she is in charge with the application and documentation filed at OSIM.



General Information

✉ Our address is: **Ion Ghica St., no. 5, Sector 3, 030044, Bucuresti**

§ OSIM bank account: **50.25.42.66.081, Direction of Treasury and Public Accounting in București.**

☎ For any further information regarding OSIM or industrial property you can contact us at our main office, (Public Relations Office, ground floor room 2) or by phone: direct number **021.315.43.63** or through the central, at **021.315.19.63 – 66; 021.314.59.64 - 66** and **021.314.67.20** and asking for the extensions **208 or 284**.

@ You may also find all necessary information regarding OSIM by visiting our site www.osim.ro. If you need the legislation regarding inventions and the standard

application form please check under “**Patents**”. If you have any other problems or questions you are welcome to e-mail us at office@osim.ro.

Good luck!