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**Council for Trade-Related Aspects of  
Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY  
LAWS AND REGULATIONS NOTIFIED UNDER  
ARTICLE 63.2 OF THE AGREEMENT**

**CROATIA**

The present document reproduces the text<sup>1</sup> of the Patent Law, as notified by Croatia under Article 63.2 of the Agreement (see document IP/N/1/HRV/1).

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**Conseil des aspects des droits de propriété  
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA  
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE  
DE L'ARTICLE 63:2 DE L'ACCORD**

**CROATIE**

Le présent document contient le texte<sup>1</sup> de la Loi sur les brevets, notifiée par la Croatie au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/HRV/1).

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**Consejo de los Aspectos de los Derechos de Propiedad  
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA  
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD  
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

**CROACIA**

En el presente documento se reproduce el texto<sup>1</sup> de la Ley de Patentes, notificado por Croacia en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/HRV/1).

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<sup>1</sup> In English only. The text in the original language is available for consultation by interested Delegations at the WTO Secretariat./En anglais seulement. Les délégations intéressées peuvent consulter le texte dans sa langue d'origine, au Secrétariat de l'OMC./En inglés solamente. Las delegaciones interesadas podrán consultar en la Secretaría de la OMC el texto en su idioma original.

## **PATENT LAW**

### **I. GENERAL PROVISIONS**

#### **Article 1**

This Law shall regulate the system of protection of inventions by patents.

#### **Article 2**

A patent is the right protecting a patent owner in the course of the economic exploitation of an invention.

#### **Article 3**

Foreign natural and legal persons shall, under this Law, enjoy in the Republic of Croatia the same rights as are enjoyed by the Croatian nationals and legal entities established in the Republic of Croatia, if it results from international treaties binding the Republic of Croatia, or from the application of the principle of reciprocity.

### **II. SUBJECT MATTER OF THE PATENT PROTECTION**

#### *Patentable Invention*

#### **Article 4**

(1) A patent shall be granted for an invention which is new, which involves an inventive step and which is susceptible of industrial application.

(2) The following in particular shall not be considered to be the inventions within the meaning of paragraph (1) of this Article:

1. discoveries, scientific theories and mathematical methods,
2. aesthetic creations,
3. rules, instructions or methods for performing mental activity, playing games or doing business,
4. presentations of information, defined by the content itself of such information,
5. computer programs.

(3) The provisions referred to in paragraph (2) of this Article shall apply only to the extent to which the subject matter of a patent application is the indicated element or the activity as such.

(4) The patent protection shall exclude:

1. the inventions relating to animal breeds, and plant varieties, and essentially biological processes for the production of a plant or an animal, except for the inventions relating to microbiological processes and products resulting from such processes.

2. the inventions the publication or exploitation of which would be contrary to the public order or morality. The exploitation shall not be considered to be so contrary merely because it is prohibited by a legal provision.

### *Novelty of an Invention*

#### Article 5

(1) An invention shall be new if it does not form part of the state of the art.

(2) The state of the art shall comprise everything made available to the public on the world level by means of a written or oral description, by use, or in any other way, prior to the filing date of the patent application.

(3) The state of the art shall also include the content of all patent applications as filed in the Republic of Croatia, the filing dates of which are earlier than the date of application referred to in paragraph (2) of this Article, and which were made available to the public only on, or after the date of filing the patent application, through the publication effected in the manner as provided in this Law.

#### Article 6

An invention shall also be considered to be new if not more than six months prior to the filing date of the patent application it has formed part of the state of the art due to:

1. an evident abuse in relation to the patent applicant or his legal predecessor, or
2. the display at an official or officially recognized international exhibition in compliance with the Convention on International Exhibitions signed at Paris on November 22, 1928, and last revised on May 31, 1988, provided that the applicant indicates in the patent application, at the time of its filing, that the invention has been so displayed, and not later than within 4 months as from the filing date of the application, submits a corresponding certificate to that effect.

### *Inventive Step*

#### Article 7

(1) An invention shall involve an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art.

(2) In deciding whether an invention involves an inventive step, the content of the applications referred to in Article 5, paragraph 3 of this Law shall not be taken into consideration.

### *Industrial Applicability*

#### Article 8

(1) An invention shall be industrially applicable if its subject matter can be manufactured or used in any kind of industry, including agriculture.

(2) Diagnostic or surgical methods or methods of treatment practiced directly on the alive human or animal body shall particularly not be regarded as industrially applicable inventions, except for the products, in particular substances or compositions used in such methods.

### **III. RIGHT TO THE ACQUISITION OF A PATENT**

#### *Persons Entitled to Acquire a Patent for an Invention*

##### Article 9

- (1) The right to a patent shall belong to the inventor or his successor in title.
- (2) If the invention has been created jointly by several inventors, the right to a joint patent shall belong to the inventors or their successors in title.

#### *Inventor*

##### Article 10

- (1) An inventor shall be the person who has created an invention in the course of his creative work.
- (2) The person who has contributed to the creation of an invention by providing only technical assistance shall not be considered to be the inventor.
- (3) The inventor shall have the moral right to be indicated as such in the patent application, in all the documents issued in relation to the grant of a patent, and in the Office register of applications and register of patents.
- (4) The inventor's moral right shall not be transferable.

#### *Inventor's Successor in Title*

##### Article 11

- (1) The inventor's successor in title shall be the legal or natural person entitled to acquire a patent by virtue of the law, legal business or inheritance.
- (2) An employer shall be considered to be the inventor's successor in title where, by virtue of the law or the working contract, he has the right to acquire a patent for the invention created under the inventor's employment.

### **IV. PATENT GRANTING PROCEDURE**

#### **1. Common Procedural Provisions**

##### Article 12

- (1) The State Intellectual Property Office (hereinafter: the Office) shall carry out the administrative patent granting procedure and other administrative and professional matters concerning the protection of an invention by a patent.
- (2) Administrative decisions made by the Office shall not be subject to any appeal, but an administrative lawsuit may be instituted.

### *Fees and Procedural Charges*

#### Article 13

(1) The acquisition and maintenance of a patent shall be subject to the payment of administrative fees and procedural charges in compliance with the special provisions.

(2) If the administrative fees and procedural charges are not paid in the course of the patent granting procedure, the patent application shall be rejected, whereas in the case of non-payment of administrative fees and procedural charges for the maintenance of a patent, such right shall lapse.

## **2. Patent Application**

### *Institution of the Patent Granting Procedure*

#### Article 14

(1) The patent granting procedure shall be instituted by filing to the Office a submission containing a request for the grant of a patent and other relevant elements provided by this Law (hereinafter: a patent application).

(2) The manner of filing a patent application shall be specified by the regulation enacted by virtue of this Law.

### *Unity of the Invention*

#### Article 15

(1) As a rule, each invention shall be filed as a separate patent application.

(2) By one patent application the patent grant for several inventions may be applied for, only if such inventions are so linked as to form a single inventive concept.

### *Language and Script of a Patent Application*

#### Article 16

(1) A patent application shall be drafted in the Croatian language and in the Latin script.

(2) If the application has been drafted in the foreign language, a translation of the application into the Croatian language shall be filed to the Office.

### *Content of a Patent Application*

#### Article 17

(1) A patent application shall contain:

1. a request for the grant of a patent,
2. a description of the invention
3. one or more claims for the protection of the invention (hereinafter: claims),
4. any drawings referred to in the description or the claims,
5. an abstract of an invention

(2) A request for the grant of a patent shall contain: an express indication that the grant of a patent is applied for, the title of the invention expressing the essence of the invention, and the indications concerning the applicant.

(3) A written declaration of the inventor in the case he doesn't want to be mentioned in the application shall be filed to the Office not later than within 4 months as from the filing date of the application.

(4) The patent application must disclose the invention in a manner sufficiently clear and precise for it to be carried out by a person skilled in the art.

(5) If the invention relates to a viable biological material which cannot be disclosed in a manner enabling it to be carried out by a person skilled in the art, the application must be accompanied by the proof to the effect that the sample of such material has been deposited with the competent institution not later than on the filing date of the patent application.

(6) The competent institution referred to in paragraph (5) of this Article shall be considered to be the institution which complies with the requirements prescribed by the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure of April 28, 1997.

(7) The claims shall define the subject matter the protection of which is applied for. They shall be clear and concise and fully supported by the description. Patent claims may be independent and dependent. The independent claims shall contain essential characteristics of an invention. The dependent claims shall contain specific characteristics of the invention defined in the independent or other dependent claim.

(8) The abstract shall be the short summary of the essence of an invention serving exclusively for the purpose of technical information.

(9) The content, and the manner of drafting particular elements of the patent application shall be defined by the regulation enacted by virtue of this Law.

*Content of a Patent Application Necessary for the Filing Date to be Accorded*

Article 18

The accordance of the filing date of the patent application shall require that on such a date the application contains:

1. express indication that the grant of a patent is applied for,
2. the name or the company name respectively, and the residence or the business seat respectively of the applicant,
3. the description of an invention and one or more patent claims, even though such description and claims do not comply with the requirements prescribed by this Law and the regulation enacted by virtue of this Law.

### **3. Priority Right**

#### *Concept of Priority*

##### Article 19

(1) If the same invention has been created by two or more inventors independently of each other, the priority concerning the right to the patent grant shall belong to the applicant whose patent application has the earliest filing date.

(2) The priority shall be in effect as from the date of filing the application to the Office, except where the requirements for the grant of priority right referred to in Articles 20 and 21 have been complied with.

#### *Requirements for the Grant of Priority Right*

##### Article 20

(1) Any legal or natural person who has filed in any member State of the Paris Union for the Protection of Industrial Property (hereinafter: the Paris Union) a correct application for any kind of the protection for inventions, or her/his successor in title, shall be granted in the Republic of Croatia, the right of priority as from the date of filing the first application to the member State of the Paris Union, or to an international organization, provided that the application for the same invention is filed to the Office within twelve months, and that the right of priority is claimed.

(2) The correct application referred to in paragraph (1) of this Article shall be considered to be the application the filing date of which is accorded in compliance with the national law of the member State of the Paris Union in which it was filed, or in compliance with the international treaty concluded among the States party to that Union, whatever may be the outcome thereof.

#### *Priority Claim*

##### Article 21

The patent applicant intending to take advantage of the priority right referred to in Article 20 of this Law in the Republic of Croatia, shall file to the Office:

1. a priority claim containing essential data concerning the first application the priority of which is claimed (application number and filing date, the State in which, or the intergovernmental organization to which the application was filed), not later than up to the expiration of the period of two months as from the date of filing the application in the Republic of Croatia.

2. a copy of the first application certified by the competent authority of the State in which, or the international organization with which it was filed, not later than up to the expiration of the period of three months as from the filing date of a priority claim.

### *Multiple Priority Claim*

#### Article 22

The patent applicant may, subject to the requirements referred to in Article 21 of this Law, claim multiple priority right on the basis of several earlier applications filed in one or more of the member States of the Paris Union.

#### *Characteristics of the Invention to which the Priority Claim is Relating to*

#### Article 23

(1) The priority claim shall relate only to such characteristics of the invention which are contained in the first application or applications the priority of which is claimed.

(2) If certain characteristics of the invention do not appear among the claims contained in the first application or applications respectively, for the grant of priority right it shall be sufficient that the application elements as a whole specifically disclose all such characteristics.

#### *Date of the Granted Priority Right*

#### Article 24

If the right of priority is granted, the date of granted priority shall be taken as the date of filing the patent application to the Office, when applying provisions referred to in Article 5, paragraphs (2) and (3) and Article 19 paragraph (1) of this Law.

#### *Computation of Time Limits in the Case of Granting Multiple Priority Right*

#### Article 25

If multiple priority right is granted, the time limits which, under this Law, run from the date of granted priority, shall be computed as from the earliest date of the multiple priority right.

### ***4. Course of the Procedure as From the Receipt of the Patent Application up to the Publication Thereof***

#### *Examination of the Patent Application After its Receipt*

#### Article 26

(1) After receiving a patent application the Office shall examine whether:

1. the application complies with the requirements for the accordance of the filing date referred to in Article 18 of this Law,
2. the administrative fee and the procedural charges for filing the application are paid in compliance with Article 13 of this Law,
3. the translation of the application in the Croatian language is filed, if the application has been drafted in the foreign language,



4. the drawings referred to in Article 17, paragraph (1), subparagraph 4, have been filed.

(2) If the application doesn't comply with the requirements for the accordance of the filing date referred to in Article 18 of this Law, the Office shall invite the applicant to correct the deficiencies expressly indicated in the invitation, within 30 days as from the day of receipt of the invitation.

(3) If the applicant doesn't comply with the Office invitation within the time limit referred to in paragraph (2) of this Article, the patent application shall be rejected by a decision.

(4) If the applicant corrects the deficiencies within the time limit referred to in paragraph (2) of this Article, the Office shall issue a decision whereby the date of receipt of the required corrections shall be accorded as the filing date of the patent application.

(5) Where a patent application refers to the drawings which are not included in the application, the Office shall notify the applicant that he may file them within the prescribed time limit. If the applicant complies with the Office notification, it shall be considered that the filing date is the date on which the drawings have been received by the Office. Otherwise, any reference to the drawings shall be considered to be non-existent.

(6) The Office shall invite the applicant who has not submitted the proof of payment of the administrative fee and procedural charges, or the translation of the patent application into the Croatian language, to correct the respective deficiencies within sixty days as from the day of receipt of the invitation.

(7) On the reasoned request of the applicant, the Office may extend the time limit referred to in paragraph (6) of this Article, for a time period considered to be justified.

(8) If the applicant doesn't comply with the invitation referred to in paragraph (6) of this Article, the patent application having the accorded filing date shall be considered to be withdrawn and the Office shall issue a decision on the suspension of the patent granting procedure.

#### *Entry of the Patent Application into the Register of Patent Applications*

##### Article 27

(1) A patent application to which the filing date has been accorded by a decision shall be entered into the register of patent applications kept by the Office.

(2) The content of the register of patent applications and the manner of keeping it shall be prescribed by the regulation enacted by virtue of this Law.

#### *Priority Certificate*

##### Article 28

(1) On the request of the applicant, the Office shall issue a certificate of the right of priority acquired on the basis of the filing date of the patent application, accorded in compliance with the provisions of Article 26 of this Law.

(2) The requirements for and the method of issuing the certificate referred to in paragraph (1) of this Article, as well as the content thereof shall be defined by the regulation enacted by virtue of this Law.

### *Division of the Patent Application*

#### Article 29

(1) The applicant may divide the subject matter of the patent application having the accorded filing date (the original application) into two or more applications and on the basis of each of them shall carry out a separate procedure.

(2) The division of the original patent application shall be allowed up to the decision concerning the request for the grant of a patent.

(3) The patent application resulting from the division of the original application (a divisional application) shall maintain the filing date of the original application and, if having grounds therefor, shall enjoy the priority thereof.

### *Amendments of the Patent Application*

#### Article 30

The patent application to which the filing date has been accorded shall not be subsequently amended by extending the subject matter the protection of which is applied for.

### *Prerequisites for the Publication of a Patent Application*

#### Article 31

(1) The examination of prerequisites for the publication of a patent application shall establish whether the application complies with the following requirements:

1. does it contain all the elements referred to in Article 17 of this Law drafted in a prescribed manner, and necessary attachments prescribed by this Law,
2. whether the inventor is mentioned,
3. whether a proper priority claim has been filed within the meaning of Article 21 of this Law, if the priority right is claimed,
4. is the applicant, who is the foreign natural or legal person, represented by the patent agent entered into the register of agents kept by the Office,
5. does the application, at first sight, comply with the rule on the unity of invention referred to in Article 15 of this Law,
6. whether the subject matter of the application is, at first sight, patentable within the meaning of Article 4, paragraphs (2) and (4), and Article 8 of this Law.

(2) If the examination establishes that the requirements referred to in paragraph (1) of this Article are not complied with, the Office shall invite the applicant to correct deficiencies expressly indicated in the invitation within the reasonable time limit. This time limit shall not be less than 30 days and shall not exceed 90 days as from the date of receipt of the invitation.

(3) On the reasoned request of the applicant the Office may extend the time limit referred to in paragraph (2) of this Article for a period which it considers to be justified.

(4) If the applicant doesn't correct the deficiencies referred to in paragraph (2) of this Article within the prescribed time limit, the Office shall issue a decision on the rejection of the patent application.

(5) The Office shall issue a decision on the refusal of the request for the grant of a patent if the application has been filed for an invention which is not patentable within the meaning of Article 4, paragraphs (2) and (4), or Article 8 of this Law.

(6) If the applicant doesn't comply with the invitation referred to in paragraph (2) of this Article, the Office shall not grant the priority right.

## ***5. Publication of a Patent Application***

### *Manner and Content of the Publication of a Patent Application*

#### Article 32

(1) A patent application complying, according to the examination, with all the requirements referred to in Article 31 of this Law, the decision to that effect being issued by the Office shall be, subject to the payment of the administrative fee and procedural charges for the publication, published in the Office official gazette after the expiration of 18 months as from its filing date, or from the date of granted priority respectively.

(2) The patent application referred to in paragraph (1) of this Article may be, on the request of the applicant, published even before the expiration of the said time limit, but not before the expiration of 3 months as from the date of its filing to the Office.

(3) The publication of a patent application shall comprise the publication of an abstract, a characteristic figure of the drawings, if any, and bibliographic indications as specified by the regulation enacted by virtue of this Law.

(4) The published patent application shall become available to the public.

## ***6. Course of the Procedure as from the Publication of the Patent Application up to the Grant of a Patent***

### *Request for the Grant of a Patent*

#### Article 33

(1) After the publication of a patent application in the Office official gazette, the applicant may, within 6 months as from the date of publication, file one of the requests for the examination of the requirements for the grant of a patent:

1. a request for the grant of a patent on the basis of the substantive examination of a patent application, or

2. a request for the grant of a patent on the basis of the submitted results of the substantive examination of a patent application, or

3. a request for the grant of a patent without the substantive examination of a patent application (hereinafter: consensual patent).

(2) If, within the prescribed time limit, the request referred to in paragraph (1) is not filed, or the administrative fee and the procedural charges have not been paid in compliance with Article 13 of this Law, the patent application shall be considered to be

withdrawn, and the Office shall issue a decision on the suspension of the procedure for the grant of the patent.

*Grant of a Patent on the Basis of the Substantive Examination of a Patent Application*

Article 34

(1) The substantive examination of a patent application shall establish whether an invention complies with all the requirements for the grant of the patent, i. e. whether the subject matter of the application:

1. is the invention which may be protected by a patent in compliance with Article 4, paragraphs (2), (3) and (4) of this Law;

2. is the invention which is disclosed in the application in the manner sufficiently clear and precise to be carried out by the person skilled in the art, in compliance with Article 17, paragraphs (4) of this Law;

3. is the invention which is in compliance with the rule on the unity of invention referred to in Article 14 of this Law;

4. is the invention which is new under Articles 6 and 7 of this Law, which includes an inventive step under Article 7 of this Law, and which is industrially applicable under Article 8 of this Law.

(2) The substantive examination of a patent application referred to in paragraph (1) of this Article may be carried out by the Office, completely or partially, through one of the national patent offices of other countries with which it has concluded a cooperation agreement.

(3) The applicant who has filed the patent application for the protection of the same invention also to one of the national patent offices of other countries, may file to the Office the results of substantive examination translated into the Croatian language.

*Grant of a Patent on the Basis of the Submitted Results of the Substantive Examination*

Article 35

(1) A request for the grant of a patent by accepting results of the substantive examination in compliance with Article 33, paragraph (1), subparagraph 2 of this Law, may be filed only in case where the patent application for the same invention has been filed with one or more elected offices.

(2) The elected offices referred to in paragraph (1) of this Article shall be, as a rule, national and international offices which, by virtue of Article 16 or 32 respectively, of the Patent Cooperation Treaty, have the status of the International Searching Authority or International Preliminary Examining Authority respectively, with which, at the time of filing the request referred to in Article 33, paragraph (1), subparagraph 2, the Office has the cooperation agreement already signed.

Article 36

(1) The applicant referred to in Article 35 paragraph (1) of this Law shall enclose to the request a signed statement to the effect that he will furnish the translations of the results of the substantive examination carried out by one or more elected offices within 6

months as from the day of the availability thereof, and not more than within 5 years as from the date of filing the application to the elected office.

(2) On the reasoned request of the applicant and the evidence furnished, the Office may extend the time limit referred to in paragraph (1) of this Article, for not more than 3 months after the termination of the procedure for the substantive examination carried out by the elected office, the results of which shall be filed with to Office.

(3) If the applicant doesn't furnish the translation of the results of the substantive examination carried out by the elected office, which shall be sufficient for the Office to make a decision concerning a request for the grant of the patent, the patent application shall be considered to be withdrawn, and the Office shall issue a decision on the suspension of the procedure.

#### Article 37

The content and the form of filing the request referred to in Article 33, paragraph (1) of this Law shall be specified by the regulation enacted by virtue of this Law.

#### Article 38

(1) The Office shall issue a decision concerning the request for the grant of a patent on the basis of acceptance of the results of the substantive examination of the requirements referred to in Article 34, paragraph (1) of this Law, and on the basis of additional examinations.

(2) The additional examination of a patent application shall establish whether the invention complies with the requirements for the grant of a patent i. e. whether the subject matter of the application is:

1. the invention which is patentable in compliance with Article 4, paragraph (4), subparagraph 1, and which is morally allowed in compliance with Article 4, paragraph (4), subparagraph 2 of this Law,
2. the invention which is new with regard to all of the patent applications filed earlier to the Office in compliance with Article 5, paragraph (3) of this Law,
3. the invention in relation to which the sufficient data have been furnished for the evaluation of compliance with all the requirements referred to in Article 34, paragraph (1) of this Law.

#### *Consensual Patent*

#### Article 39

(1) A request for the grant of a patent without substantive examination of a patent application in compliance with Article 33, paragraph (1), subparagraph 3 of this Law shall be published in the Office official gazette within three months as from its filing date.

(2) The manner and the content of the publication in compliance with paragraph (1) of this Article shall be prescribed by the regulation enacted by virtue of this Law.

### *Opposition to the Grant of a Consensual Patent*

#### Article 40

(1) After the publication of the request referred to in Article 39 of this Law, any legal or natural person may, within 6 months, file to the Office an opposition to the grant of a consensual patent, or a request for the substantive examination in compliance with Article 33, paragraph (1), subparagraph 1 of this Law.

(2) The opposition, or the request for the substantive examination referred to in paragraph (1) of this Article shall be accompanied by evidence on the payment of procedural charges for the opposition which shall be one third of the administrative procedural charges for the substantive examination, or administrative procedural charges for the substantive examination.

(3) The content of the opposition referred to in paragraph (1) of this Article shall be defined by the regulation enacted by virtue of this Law.

### *Procedure Concerning the Opposition to the Grant of a Consensual Patent*

#### Article 41

If the opposition has been filed on time, and if the administrative fee and procedural charges for the opposition are paid in compliance with Article 13 of this Law, the Office shall notify the opposition to the consensual patent applicant.

#### Article 42

(1) A consensual patent applicant may, within six months as from the receipt of the notification referred to in Article 41 of this Law, file a request for the grant of a patent on the basis of the substantive examination procedure in compliance with Article 33, paragraph (1), subparagraph 1 of this Law, when he shall be required to pay the difference between the administrative fee for the opposition already paid and the administrative fee for the substantive examination.

(2) If the consensual patent applicant doesn't comply with paragraph (1) of this Article, the Office shall reject the patent application by a decision.

#### Article 43

Any natural or legal person may file a request for the substantive examination in compliance with Article 33, paragraph (1), subparagraph 1, for the whole duration of a consensual patent, and it shall be carried out in compliance with Article 34, paragraph (1) of this Law, provided that the administrative fee and procedural charges have been paid in compliance with Article 13 of this Law.

### *Decision on the Refusal of a Request for the Grant of a Patent*

#### Article 44

(1) If the substantive examination carried out in compliance with Article 34, paragraph (1) of this Law or the acceptance of the results of the substantive examination in compliance with Article 38 of this Law, has established that the subject matter of a

patent application doesn't comply with the requirements for the grant of a patent, the Office shall, in the written notification, inform the patent applicant of the reasons due to which the patent shall not be granted, and shall invite him to comment, in a written form, on the specified reasons within the time limit, which shall not be less than 30 days and shall not exceed 90 days, as from the receipt of the invitation.

(2) On the reasoned request of the applicant the Office may extend the time limit referred to in paragraph (1) of this Article.

(3) If the patent applicant doesn't comply with the invitation referred to in paragraph (1) of this Article, the Office shall issue a decision on the refusal of the request for the grant of a patent.

### *Decision on the Grant of a Patent*

#### Article 45

(1) If it has been established that the filed patent application:

1. complies with all the requirements for the grant of a patent referred to in Article 34, paragraph (1) of this Law,

2. complies with the requirements for the grant of a patent referred to in Article 38 of this Law, and

3. that the opposition to the grant of a consensual patent in compliance with Article 40 of this Law has not been filed,  
the requirements for the grant of a patent have been complied with and the Office shall issue a decision to that effect.

(2) The Office shall communicate to the applicant the text of the application on the basis of which it intends to grant a patent, and shall invite him to submit a written approval to the text communicated to him, within 30 days as from the day of receipt of the invitation.

(3) If the applicant doesn't comply with the invitation within the time limit referred to in paragraph (2) of this Article, the Office shall issue a decision on the grant of a patent, as if the consent has been submitted.

(4) If the patent applicant submits in time a written declaration to the effect that he doesn't agree with the proposal referred to in paragraph (2) of this Article, he shall state the reasons therefor, and shall submit to the Office the amended text of the claims.

(5) If the Office accepts the applicant's reasons and amends the text of the claims referred to in paragraph (4) of this Article it shall issue a decision on the grant of a patent according to the text of the claims proposed by the patent applicant.

(6) The Office shall issue a decision referred to in paragraphs (3) and (5) provided that the administrative fees and procedural charges for the maintenance of a patent, the publication thereof and the issuance of the patent certificate and patent file have been paid in compliance with Article 13 of this Law.

### *Patent Register*

#### Article 46

(1) The data specified in the decision on the grant of a patent shall be entered into the patent register kept by the Office, on the date of the decision.

(2) The data specified in the decision on the refusal of the request for the grant of a patent shall be entered into the register of patent applications.

(3) The content and the manner of keeping the patent register shall be specified by the regulation enacted by virtue of this Law.

### *Patent Certificate*

#### Article 47

(1) The patent owner shall be issued a patent certificate not later than within 30 days as from the date of the decision on the grant of a patent.

(2) Where a consensual patent is granted, the patent owner shall be issued a consensual patent certificate.

(3) The content and form of the certificates referred to in paragraphs (1) or (2) of this Article shall be specified by the regulation enacted by virtue of this Law.

### *Publication of a Patent*

#### Article 48

(1) A patent shall be published in the Office official gazette, whereas the consensual patent shall be published in the special part thereof not later than within 3 months as from the date of the decision on the grant thereof.

(2) The publication of a patent shall comprise the publication of the first independent claim, the characteristic figure of the drawings, if any, and the bibliographic data defined by the regulation enacted by virtue of this Law.

### *Patent File*

#### Article 49

(1) The patent owner shall be issued the Patent file not later than within 6 months as from the date of the decision on the grant of a patent, which shall be, where the consensual patent is concerned, designated as the Consensual Patent File.

(2) The content and the form of the Patent File referred to in paragraph (1) of this Article shall be specified by the Regulation enacted by virtue of this Law.

### *Entry of the Changes into the Registers*

#### Article 50

(1) On the request of a party for the entry of the changes into the register the Office shall issue a decision on the entry into the patent application register, or into the patent register, of the changes which have occurred after the filing of the application, or



after the entry of the decision on the grant of a patent (for example: a license, a transfer of a right, change of the name or the seat of an applicant or a patent owner).

(2) The entered changes referred to in paragraph (1) of this Article shall be published in the Office official gazette.

(3) The entry of changes into the Office registers, the publication thereof in the official gazette and furnishing of the excerpts from the register, shall be specified by the regulation enacted by virtue of this Law.

### *Correction of Deficiencies in the Documents*

#### Article 51

Linguistic and typing errors as well as the deficiencies in the documents may be corrected by a decision on the basis of the written request of the patent applicant or patent owner respectively, or ex officio.

## **V. EFFECTS OF A PATENT**

### *Exclusive Rights Acquired by a Patent*

#### Article 52

(1) The patent owner shall be the sole person entitled to exploit the protected invention.

(2) Any other person not having the patent owner's consent shall be prohibited from:

1. making, offering for sale, selling, using, or importing and stocking for such purposes, the product carried out according to the invention,

2. using the process which is the subject matter of the invention, or offering the use thereof,

3. offering for sale, selling, using or, importing and stocking for such purposes, the product which is obtained directly from a process which is the subject matter of the invention.

(3) Any other person not having the patent owner's consent shall be also prohibited from offering and supplying the product (substance, composition, part of the apparatus) constituting an essential element of the invention, to persons not entitled to exploit the said invention, if the offerer or the supplier knows or should have known from the circumstances of the case that such product is intended for putting into function the invention of another.

(4) The provisions referred to in paragraph (3) of this Article shall not apply if the offered or supplied product is a staple commercial product, except where the supplier or offerer induces other persons to commit acts referred to in paragraph (2) of this Article.

(5) The patent owner's exclusive right of exploitation of the invention shall not apply to:

1. acts in which the invention is exploited for private and non-commercial purposes,

2. acts done for the purposes of the research and development of the subject matter of the protected invention, in particular: making, using, offering for sale, importation, or exportation of the protected product, where such acts are reasonably connected with the experiments and tests necessary for the registration of the human and veterinary medicines, medical and veterinary products or preparations for the protection of plants,

3. direct and individual preparation of a medicine in a pharmacy on the basis of an individual medical prescription and acts relating to the medicine so prepared.

(6) In the absence of proofs to the contrary, a product shall be considered to have been obtained by a protected process, if it is new and if a substantial likelihood exists that the product was made by a protected process, and that the patent owner has been unable, despite reasonable efforts, to determine the process actually used. A substantial likelihood that the product was obtained by the protected process shall exist, in particular, where the protected process is the only process known.

### *Scope of the Exclusive Rights*

#### Article 53

The scope of the patent owner's exclusive rights shall be determined by the text of the claims which are finally accepted in the patent granting procedure, whereat the description and drawings serve to interpret patent claims.

### *License Contract and Transfer of Rights*

#### Article 54

(1) The right to exploit the protected invention shall be assigned by a license contract.

(2) A patent may be the subject of the transfer, complete and partial.

(3) The license contract and the contract on the transfer of a patent shall be concluded under the conditions and in a manner as prescribed by the Law on Obligatory Relations.

(4) The conclusion of the license contract or the contract on the transfer of a joint patent shall require the consent of all the owners thereof.

(5) The provisions of this Article shall also apply in an appropriate manner to the conclusion of the license contract, and the contract on the transfer of the right arising from a patent application.

## **VI. LIMITATION OF THE EFFECT OF A PATENT**

### *Right of the Prior User*

#### Article 55

(1) A patent shall have no effect against the person who had, prior to the filing date of the application, or prior to the date of granted priority exploited or manufactured, in good faith and within her/his economic activities, the product which is the subject

matter of the invention or, had made real and serious preparations for such exploitation of the invention in the Republic of Croatia.

(2) The person referred to in paragraph (1) of this Article shall have the right to proceed, without the patent owner's consent, with the exploitation of the invention to the extent to which she/he had exploited it or had prepared its exploitation up to the filing date of the application for the said invention.

(3) The right referred to in paragraph (2) of this Article may be transferred or inherited only with the working process and production plant in which the exploitation of the invention has been prepared or has started.

### *Vehicles in the International Traffic*

#### Article 56

The use of the products made according to the protected invention in the construction or equipment of a vessel, aircraft or land vehicle belonging to any of the member States of the Paris Union for the Protection of Industrial Property (hereinafter: the Paris Union) shall not be considered to be the patent infringement where such transport means finds itself temporarily or accidentally in the territory of the Republic of Croatia, provided that the product serves exclusively for the purposes of the said transport means.

### *Compulsory License*

#### Article 57

(1) The court in the Republic of Croatia shall be exclusively competent, and may grant a compulsory license, on the request of any interested person, if the patent owner doesn't exploit the protected invention, or exploits it to the extent which is insufficient to satisfy the needs of the Croatian market, and refuses to conclude a license contract or sets forth non-market terms for the conclusion of such a contract.

(2) A request for the grant of a compulsory license may be filed after the expiration of the period of 4 years as from the filing date of the application, or after the expiration of the period of 3 years as from the date of the patent grant, whichever occurs later.

(3) If the exploitation of a protected invention is of public interest (health, defense, protection and improvement of the human environment) or of a special interest for a particular branch of economy, the compulsory license may be granted even before the expiration of the terms referred to in paragraph (2) of this Article.

(4) A compulsory license shall not be granted if the patent owner proves the existence of the legitimate reasons justifying the non-exploitation or insufficient exploitation of the protected invention.

(5) In the case of the grant of a compulsory license, the patent owner shall be entitled to a remuneration, corresponding to the economic value of the license which shall be determined by the court decision referred to in paragraph (1) of this Article.

#### Article 58

(1) A compulsory license shall be granted for the purposes of supplying the domestic market. It shall not be exclusive and the duration thereof is connected exclusively with the duration of reasons it has been granted for.

(2) A compulsory license shall not be transferred without the production plant or the part thereof respectively, in which the invention it is granted for has been exploited.

#### *Exhaustion of the Patent Owners' Exclusive Authorizations*

#### Article 59

The patent owner may not prohibit to other persons offering for sale, sale or use of the product previously put on the domestic market by him or by other person having his express consent.

### ***VII. DURATION, MAINTENANCE AND CESSATION OF EFFECT OF A PATENT***

#### *Term of a Patent*

#### Article 60

The term of a patent shall be 20 years counting from the filing date of the application.

#### Article 61

The term of a consensual patent shall be 10 years counting from the filing date of the application.

#### *Annual Fees and Procedural Charges for the Maintenance of a Patent*

#### Article 62

(1) The payment obligation comprising annual administrative fees and procedural charges shall arise with the grant of a patent. For the first time the Office shall invite the patent owner to pay a total amount for the maintenance of a patent for the period as from the filing date of the application up to the date of the patent grant.

(2) The annual administrative fee and procedural charges for the maintenance of a patent, for the forthcoming period shall be due on the date corresponding to the filing date of the patent application.

(3) If the patent owner fails to pay the administrative fee and procedural charges in compliance with paragraph (2) of this Article, he may pay them in the grace period of 6 months, provided that he also pays an additional administrative fee and additional administrative procedural charges.

*Pre-Term Lapse of a Patent Due to the Non-Payment of Annual Maintenance Fees and Procedural Charges*

Article 63

If the patent owner doesn't pay a prescribed annual fee and procedural charges for the maintenance of a patent, the patent shall lapse on the day following the day on which the time limit for the payment referred to in Article 62, paragraph (2) of this Law has expired.

*Pre-Term Lapse of a Patent Due to the Surrender Thereof*

Article 64

(1) If the patent owner surrenders a patent, it shall lapse on the day following the day on which a written declaration concerning the surrender thereof has been filed to the Office.

(2) If a particular right on behalf of third persons has been entered into the register, the patent owner may not surrender a patent without a prior certified written consent of those persons.

*Succession of the Patent Owner's Capacity*

Article 65

(1) A patent shall lapse on the day of the patent owner's death, if, within 6 months, the heirs do not effect the entry into the Office patent register.

(2) If the patent owner is a legal person, a patent shall lapse on the day of the loss of the capacity of the legal person.

**VIII. DECLARATION OF NULLITY OF THE DECISION ON THE GRANT OF A PATENT**

*Reasons for the Declaration of Nullity of the Decision on the Grant of a Patent*

Article 66

The decision on the grant of a patent may be declared null and void ex officio at any time, on the proposal of any interested person or a State Attorney, if the patent has been granted:

1. for the invention which may not, within the meaning of Article 4, paragraphs (2) and (4) of this Law, be protected by a patent,
2. for the invention which, on the filing date of the patent application or on the date of the granted priority respectively, was not new or didn't include an inventive step,
3. for the invention which is not industrially applicable,
4. for the invention which is not disclosed in a manner sufficiently clear and precise as to be carried out by the person skilled in the art,

5. in a larger scope than it could have been with regard to the claims supported by the description on the filing date of the application or on the date of granted priority respectively,

6. on behalf of the person not entitled to the patent protection of the invention.

*Proposal for the Declaration of Nullity of the Decision on the Grant of a Patent*

Article 67

(1) The procedure concerning the declaration of nullity of the decision on the grant of the patent shall begin by filing the proposal with the Office.

(2) The proposal referred to in paragraph (1) of this Article shall contain the data concerning the applicant, the owner of a patent, the number of the decision, and the registration number of the patent, the reasons for the proposal of the declaration of nullity of the decision supported by necessary evidence, and the reasoned legal interest of the person filing the proposal.

*Procedure Concerning the Proposal for the Declaration of Nullity of the Decision on the Grant of a Patent*

Article 68

(1) If the proposal for the declaration of nullity of the decision on the grant of a patent is not drafted in compliance with the provision referred to in Article 67, paragraph (2), of this Law, or if the administrative fee and procedural charges have not been paid in compliance with Article 13 of this Law, the Office shall invite the applicant to correct the deficiencies within 30 days as from the day of receipt of the invitation.

(2) If the applicant doesn't correct the proposal within the time limit specified in paragraph (1) of this Article, the Office shall reject a proposal by a decision.

(3) The Office shall communicate the correct proposal for the declaration of nullity of the decision to the patent owner and shall invite him to submit his response within the period which shall not be less than 30 days and shall not exceed 60 days, as from the day of the receipt thereof.

(4) In the course of the procedure concerning the declaration of nullity of the decision on the grant of a patent, the Office shall invite the parties as many times as necessary to submit, within the period referred to in paragraph (3) of this Article, their comments on the submissions of the other party.

(5) The Office shall hold a hearing if it considers that it is necessary for the establishment of the facts essential for the decision on the proposal for the declaration of nullity of the decision on the grant of a patent.

(6) On the reasoned request, the Office may extend the time limits referred to in paragraphs (1) and (3) of this Article for the time it considers to be justified.

(7) In cases where the owner of a consensual patent is concerned, and where the evidence referred to in Article 67, paragraph (2) of this Law are sufficient for a reasonable doubt that the consensual patent doesn't comply with the requirements referred to in Article 4, paragraph (1) of this Law, the response referred to in paragraph (3) of this Article shall also contain a request for the substantive examination.

*Withdrawal of the Proposal for the Declaration of Nullity of the Decision on the Grant of a Patent*

Article 69

If the person filing the proposal for the declaration of nullity of the decision on the grant of a patent withdraws the proposal in the course of the procedure, the Office may proceed ex officio.

*Decision Concerning the Proposal for the Declaration of Nullity of the Decision on the Grant of a Patent*

Article 70

On the basis of the results of the procedure, the Office shall issue a decision on the declaration of nullity of the decision on the grant of a patent, entirely or partially, or the decision on the refusal of the proposal.

**IX. CANCELLATION OF THE DECISION ON THE GRANT OF A PATENT**

*Reasons for the Cancellation of the Decision on the Grant of a Patent*

Article 71

The decision on the grant of a patent may be canceled prior to the expiration of the term of a patent, if it is established:

1. that the viable biological material deposited in the authorized institution in compliance with the provision referred to in Article 17, paragraph (5) of this Law no longer exists or that the said material is no longer available to the public,
2. that its availability to the public through the authorized institution in which it has been deposited was discontinued in the period longer than it is prescribed.

*Proposal and Procedure Concerning the Cancellation of the Decision on the Grant of a Patent*

Article 72

(1) The procedure concerning the cancellation of the decision on the grant of a patent shall begin by filing the proposal with the Office.

(2) The provisions of this Law relating to the content of the proposal and to the procedure concerning the declaration of nullity of the decision on the grant of a patent shall apply in an appropriate manner both, to the content of the proposal and to the procedure concerning the cancellation of the decision on the grant of a patent.

*Decision on the Proposal Concerning the Cancellation of the Decision on the Grant of a Patent*

Article 73

(1) On the basis of the results of the procedure the Office shall issue a decision on the cancellation of the decision on the grant of a patent, or the decision refusing the proposal as unfounded.

(2) The decision on the cancellation of the decision on the grant of a patent shall have legal effect as from the date on which the Office has established that the viable biological material no longer exists, or is no longer available to the public for other reasons, or that the discontinuance of availability of the viable biological material to the public has taken place within the period longer than the prescribed one.

**X. CIVIL PROTECTION OF RIGHTS**

*1. An Action for the Establishment of the Patent Protection Rights*

Right of Action

Article 74

(1) The inventor or his successor in title shall be entitled to require, through an action before the competent court, the establishment of the right to the patent protection of the invention, if a request for the grant of a patent has been filed by the person not entitled to such right or, in case of the jointly created invention, by the person who is not the sole person entitled to such right.

(2) The action referred to in paragraph (1) of this Article may be brought up to the decision on the grant of a patent.

(3) The procedure concerning the action for the establishment of the right to the patent protection of the invention shall be urgent.

*Right to Resume the Procedure for the Grant of a Patent by Virtue of the Final Court Decision*

Article 75

The inventor or his successor in title respectively whose right to a patent protection of the invention has been established by a final court decision shall be entitled to resume the procedure for the grant of a patent within 3 months as from the date the court decision comes into effect.



## ***2. Action for the Infringement of the Inventor's Moral Right***

### *Right of Action*

#### *Article 76*

(1) The inventor shall be entitled to require through an action before the competent court the ordering of the entry of his name into the patent application and all the documents issued for a patent as well as into appropriate Office registers, if the person mentioned as such in the application is not the inventor.

(2) The right to the action referred to in paragraph (1) of this Article shall also belong to the inventor of the joint invention who is not mentioned in the patent application.

(3) The request referred to in paragraph (1) of this Article may be accompanied by a request for the final court decision to be published at the expense of the defendant.

(4) The time limit for an action referred to in paragraphs (1) and (2) shall not be limited. After the death of the inventor the right to an action shall belong by his heirs.

## ***3. Action Concerning the Infringement of a Patent***

### *Right of Action*

#### *Article 77*

(1) The patent owner shall be entitled to an action before the competent court against any person who infringes a patent by performing any of the actions referred to in Article 52, paragraphs (2) and (3) of this Law.

(2) The right to the action referred to in paragraph (1) of this Article, after the grant of a patent, shall also belong to the owner of the exclusive license.

(3) The owner of a consensual patent shall have, prior to the action referred to in paragraph (1) of this Article, the results of the substantive examination at his disposal.

### *Requirements Contained in the Action*

#### *Article 78*

(1) An action for the infringement of a patent may contain the requirements for:

1. the establishment of the existence of the infringement,
2. the prohibition of actions infringing a patent,
3. the compensation for damages,
4. the seizure and destruction of the products resulting from or acquired by the infringement of a patent, and articles (implements and tools) predominantly used in the creation of the products infringing a patent, and the publication of the court decision at the expense of the defendant.

(2) The plaintiff shall be entitled to the compensation for damage suffered by him as from the publication date of the patent application in the manner provided for in Article 32 of this Law.

(3) To the matters concerning the compensation for damage caused by the infringement of a patent not regulated by this Law, the corresponding provisions of the Law on Obligatory Relations shall apply.

### *Ordering of a Provisional Measure*

#### Article 79

(1) The action may constitute a request for ordering, before the court decision comes into effect, a provisional measure comprising:

1. the desistance from actions infringing a patent, or actions which might infringe a patent,
2. the seizure or exclusion from circulation respectively of the products resulting from or acquired by the infringement of a patent and of the articles (implements and tools) predominantly used in the creation of the products infringing a patent,
3. the preservation of evidence on the infringement of the patent.

(2) Subject to the provision referred to in paragraph (1) of this Article, the proposal for ordering a provisional measure may be filed even before the action, provided that the action is brought within 15 days as from the day of filing a proposal.

(3) If there is a likelihood of irreparable damage to be done or a likelihood that the later derivation of evidence would be difficult or impossible, the court shall order a provisional measure, without previously notifying the other party.

(4) To the matters concerning the ordering of provisional measures not regulated by this Law the corresponding provisions of the Law on Enforcement shall apply.

### *Limitation Period for Bringing an Action Concerning the Infringement of a Patent*

#### Article 80

The action concerning the infringement of a patent may be brought within 3 years as from the day of learning about the infringement and the infringer, but not later than the expiration of the period of 5 years as from the day on which the infringement was committed.

### *Urgency of the Procedure Concerning the Action for the Infringement of a Patent*

#### Article 81

The procedure concerning the action for the infringement of a patent shall be urgent.

## **XI. INTERNATIONAL PATENT APPLICATION UNDER THE PATENT COOPERATION TREATY**

### ***International Patent Application***

#### **Article 82**

(1) The international patent application shall be the application filed in compliance with the Patent Cooperation Treaty (hereinafter: the Treaty). Any reference in this Law to the Treaty (in Articles 82 to 85) shall be, at the same time, considered to be the reference to the Regulations under the Patent Cooperation Treaty.

(2) To the international patent applications filed with the Office as the receiving, designated, or elected office, the provisions of the Treaty, this Law, and the regulation enacted by virtue of this Law shall apply.

### ***International Patent Application Filed with The Office as the Receiving Office***

#### **Article 83**

(1) The international patent application may be filed with the Office as the receiving office if the applicant is the Croatian national, or a natural person having the residence in the Republic of Croatia or a legal person having business seat in the Republic of Croatia.

(2) The filing of the international patent application referred to in paragraph (1) of this Article shall be, in compliance with Article 13 of this Law, subject to the payment of the prescribed administrative fee and procedural charges for its transmittal to the International Bureau, within one month as from the date of receipt of the international patent application.

### ***International Patent Application Filed with the Office as the Designated or Elected Office***

#### **Article 84**

(1) The international patent application in which the Republic of Croatia is designated, in compliance with the provisions of the Treaty, for the grant of a national patent, shall be filed with the Office as the designated office, in the Croatian language, within 21 months, counting from the date of priority.

(2) The international application in which the Republic of Croatia is, in compliance with the provisions of the Treaty, elected as the State in which the applicant intends to use the results of the international preliminary examination of that application for the purposes of being granted a national patent, shall be filed with the Office as the elected office in the Croatian language, within 31 months, counting from the date of priority.

*Procedure Concerning the International Patent Application Filed with the Office as the Designated or Elected Office*

Article 85

(1) The international patent application filed with the Office as the designated or elected office shall be published in the Office official gazette in the manner provided for in Article 32, paragraph (3) of this Law.

(2) In respect of the international applications referred to in paragraph (1) of this Article, the time limit within which a request referred to in Article 33 of this Law may be filed shall run as from the date of publication in the Office official gazette.

(3) The Office shall not carry out a substantive examination of the international application referred to in paragraph (1) of this Article for the inventions which have not been the subject of the international search in the procedure before the International Searching Authority in compliance with Article 17 of the Treaty, or have not been the subject of the international preliminary examination in the procedure before the International Preliminary Examination Authority in compliance with Article 34 of the Treaty.

**XII. MISDEMEANORS**

Article 86

(1) Any legal or natural person shall be punished for a misdemeanor by a fine amounting from 20.000 up to 200.000 kunas if it, contrary to the provisions of this Law:

1. makes, offers for sale, sells, or imports and stocks for such purposes a product which is manufactured according to the protected invention (Article 52, paragraph (2), subparagraph 1,

2. uses or offers for use a process which is the subject matter of the protected invention (Article 52, paragraph (2), subparagraph 2),

3. offers for sale, sells, uses, or imports and stocks for such purposes a product which is obtained directly from the process which is the subject matter of the protected invention (Article 52, paragraph (2), subparagraph 3),

4. offers or supplies a product which constitutes the essential element of the protected invention (Article 52, paragraph (3)).

(2) A responsible person in the legal entity shall be also punished for a misdemeanor by a fine amounting from 5.000 up to 20.000 kunas.

Article 87

(1) The commitment of misdemeanors referred to in Article 86 of this Law shall, in addition to a fine, be subject to the pronouncement of the protective measure ordering the seizure of products resulting from or acquired by the commitment of misdemeanors, and of objects (tools and implements) predominantly used in the creation of products infringing a patent, irrespective of whether they are the property of the perpetrator or not.

(2) The decision referred to in paragraph (1) of this Article may comprise the ordering of the destruction of the seized products and objects.

#### Article 88

(1) Any legal or natural person shall be punished for a misdemeanor by a fine amounting from 5.000 up to 10.000 kunas if she/he files a patent application without being entitled therefor (Article 74).

(2) A responsible person in the legal entity shall be also punished for a misdemeanor by a fine amounting from 1.000 up to 5.000 kunas.

#### Article 89

(1) Any legal or natural person shall be punished for a misdemeanor by a fine amounting from 5.000 to 10.000,00 kunas if she/it fails to mention the inventor in the application or if she/he mentions him falsely (Article 76).

(2) The responsible person in a legal entity shall be also punished for the misdemeanor referred to in paragraph (1) of this Article by a fine amounting from 1.000 up to 5.000 kunas.

### **XIII. TRANSITIONAL AND FINAL PROVISIONS**

#### *Patents Granted up to the Application of this Law*

#### Article 90

(1) The patents entered into the Office patent register up to the date determined for the application of this Law shall remain in effect and the provisions of this Law shall apply to them.

(2) The owner of the patent protecting the invention of the medicine for humans and animals or the invention relating to the application of substances and compositions in the treatment of humans and animals, for which the application was filed up to December 31, 1992, or the priority for such application was claimed up to December 31, 1992, may, in the procedure concerning the infringement of a patent, claim through an action only a remuneration, and that, for the period after January 1, 1993.

#### *Pending Patent Granting Procedures*

#### Article 91

(1) All pending patent granting procedures shall be carried out in compliance with the provisions of this Law.

(2) The applicants who have filed with the Office a request for the substantive examination of the patent application may, within 6 months as from the day the application of this Law shall start, file one of the requests referred to in Article 33, paragraph (1), subparagraph 2 or 3 of this Law, if it is more favourable for them.

(3) The applicants who have not filed with the Office a request for the substantive examination of the patent application, and whose period of 6 months as from the publication of the application has not expired, may, within 6 months as from the day the application of this Law shall start, file one of the requests referred to in Article 33, paragraph (1) of this Law.

(4) The applicants who have not exercised the right of priority referred to in Article 20 of this Law for their applications filed in the Republic of Croatia, which expired within the period from October 8, 1991 to December 31, 1992, but have exercised the right of priority for the same inventions in at least one member State of the Paris Union, shall be granted the right of priority in the Republic of Croatia, provided that they claim it, and submit the evidence on the priority right exercised in one of the member States of the Paris Union, within the period of 3 months as from the date of application of this Law.

#### *Pending Civil Procedures*

##### Article 92

Pending civil procedures concerning the infringement of a patent or the rights arising from a patent application shall be carried out in compliance with the provisions which were in force up to the day the application of this Law shall start.

#### *Implementing Provision*

##### Article 93

The Director of the Office shall define, by the Regulations, the matters referred to in: Article 14, paragraph (2); Article 17, paragraph (9); Article 18, paragraph (3); Article 27, paragraph (2); Article 28, paragraph (2); Article 32, paragraph (3); Article 37; Article 39, paragraph (2); Article 40, paragraph (3); Article 46, paragraph (3); Article 47, paragraph (3); Article 48, paragraph (2); Article 49, paragraph (2); Article 50, paragraph (3); and Article 82, paragraph (2);

#### *Time Limit for Enacting the Regulations*

##### Article 94

The Regulations referred to in Article 93 of this Law shall be enacted up to the day the application of this Law shall start.

#### *Cessation of the Validity of Other Provisions*

##### Article 95

The provisions of the Industrial Property Law ("Narodne novine" - the Official Gazette of the Republic of Croatia No. 53/91, 19/92, and 26/93) relating to patents and technical improvements, except for the provisions on the confidential inventions (Articles 104 to 110) and representation (Article 172a), which shall be applied up to the enactment of the separate laws, shall cease to be valid on the day the application of this Law shall start.

*Entry into Force and Application of the Law*

Article 96

This Law shall enter into force on the eighth day as from the date of publication thereof in "Narodne novine" - the Official Gazette of the Republic of Croatia, and shall be applied as from January 1, 2000.

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