Pursuant to Article 17 paragraph 4, Article 18 paragraph 4, Article 20 paragraph 3, Article 23 paragraph 2, Article 40 paragraph 2, Article 44 paragraph 3, Article 45 paragraph 6, Article 48 paragraph 6, Article 85 paragraph 8, Article 86 paragraph 6, Article 92 paragraph 6, Article 94 paragraph 3, Article 98 paragraph 2, Article 101 paragraph 10, Article 104 paragraph 9, Article 106 paragraph 6, Article 123 paragraph 4, Article 133 paragraph 3, Article 142 paragraph 7, Article 145 paragraph 9 and Article 152 paragraph 4 of the Patent Law (Official Gazette of Montenegro 42/15), the Ministry of Economy has adopted

**R U L E B O O K**

**ON THE CONTENT OF THE REGISTERS, APPLICATIONS AND OTHER SUBMISSIONS, METHOD OF FILING APPLICATIONS AND PUBLICATION OF INFORMATION IN THE PROCEDURES FOR THE LEGAL PROTECTION OF INVENTIONS**

(‘’Official Gazette of Montenegro’’, No. 8/16)

**Subject matter**

**Article 1**

This Rulebook shall regulate more detailed content and method of keeping registers, the method of issuance and the content of excerpts from registers, the method of providing information services, the method of filing and attachments to the patent application, the method of drafting particular parts of a patent application, and data relevant to the deposit of biological material, the content and form of a patent certificate and patent specification, the content of information published in the official gazette, and other matters relevant to the legal protection of inventions.

**Register of Patent Applications**

**Article 2**

The following information shall be entered in the Register of Patent Applications:

1. number of the patent application;
2. filing date of the patent application;
3. data on priority claimed (date, number of the application and the country in which the first patent application was filed);
4. number and the date of the original patent application, in the case of division of a patent application;
5. details concerning the applicant (the name and address or the name and registered office);
6. details concerning the inventor (the name and address), or information on the submitted inventor’s statement that he does not wish his name mentioned in the application;
7. details concerning joint representative, if there is more than one applicant;
8. details concerning the representative (the name and address or the name and registered office);
9. title of the invention;
10. symbol of the invention under the International Patent Classification (hereinafter referred to as the “IPC”);
11. information on the invention having been displayed at an international exhibition in accordance with Article 9 item 2 of the Patent Law (hereinafter referred to as the “Law”), if the invention had been exhibited;
12. information on the international patent application filed in accordance with Article 153 of the Law, if such application has been filed (filing date and the number of the international application, number and date of international publication);
13. date of publication of a patent application and the number of the official gazette;
14. information on the outcome of the patent grant procedure;
15. data on changes relating to the patent application (transfer of rights, license, pledge, levy of execution and the bankruptcy; change of the name and address of the applicant, licensee or pledgee; and other information relevant to the legal status of the patent application);
16. information on initiated appeal proceedings (date, appellant, type of decision);
17. number and date, of the decision on restitution of rightsor of the decision on continuation of proceedings, if it has been issued; and
18. other information about the application where necessary.

**Register of Patents**

**Article 3**

The following information on granted patents shall be entered in the Register of Patents:

1. registration number of the patent;
2. date of publication of the mention of the grant of the patent;
3. number and date of decision granting patent and date of entry of the patent in the Register of Patents;
4. number of the patent application;
5. filing date of the patent application;
6. date of publication of the patent application;
7. number and the date of the original patent application, in the case of division of a patent application;
8. data on priority right (date, number of the application and the country in which the first application was filed);
9. title of the invention;
10. symbol of the invention under the IPC;
11. details concerning the patent holder (the name and address or the name and registered office);
12. details concerning the inventor (the name and address), or information on the submitted inventor’s statement that he does not wish his name mentioned in the application;
13. details concerning the representative (the name and address or the name and registered office);
14. information on the international application filed in accordance with Article 153 of the Law, if such application has been filed (filing date and the number of the international application, number and date of international publication);
15. information on the European patent application (filing date and the number of the European patent application, number of the European patent, date and number of publication of the European patent application or of the European patent);
16. date of submission and information on written evidence referred to in Article 47 paragraph 1 of the Law;
17. number and date of issuance of the decision referred in Article 48 paragraph 1 of the Law;
18. information on the fees paid for the maintenance of a granted patent;
19. data on changes relating to the patent (transfer of rights, license, pledge, levy of execution and the bankruptcy; change of the name and address of the patent holder, licensee or pledgee, and other information relevant to the legal status of the patent);
20. information on revocation proceedings (date of submission of the request, person submitting the request, type of decision and date of decision);
21. information on the declaration of surrender of a patent (filing date of the declaration, type of decision and date of decision);
22. information on the proceedings on the appeal (filing date, appellant, type of decision and date of decision);
23. information on the termination of the patent (legal basis, date of termination and scope of termination in case of termination in part due to surrender, annulment or adoption of a decision in the proceedings on the appeal);
24. number and date of the decision on restitution of rightsor of the decision on continuation of proceedings, if it has been issued;
25. information on supplementary protection certificate (hereinafter referred to as the “certificate”); and
26. other information where necessary.

**Register of Certificates**

**Article 4**

The following information shall be entered in the Register of Certificates:

1. number of the application for grant of the certificate;
2. filing date of the application for grant of the certificate;
3. details concerning the requesting party (the name and address or the name and registered office);
4. details concerning the certificate holder (the name and address or the name and registered office);
5. details concerning the representative (the name and address or the name and registered office);
6. number and date of filing application for a basic patent and the title of the invention;
7. name of the product for which the grant of the certificate is requested (chemical or generic name);
8. number of the certificate;
9. date of adoption of decision to issue the certificate;
10. the number and date of the first authorization to place the product on the market and the name of the product identified in the authorization;
11. duration of the certificate;
12. information from the application for the extension of the duration of the certificate granted for protection of medicines for paediatric use;
13. indication of the extension of the duration of the certificate granted for protection of medicines for paediatric use;
14. information on the fees paid for the maintenance of the certificate;
15. data on changes relating to the certificate (transfer of rights, license, pledge, levy of execution and the bankruptcy; change of the name and address of the holder, licensee or pledgee; and other information relevant to the legal status of the certificate);
16. information on the outcome of the procedure for grant of the certificate by the administration body competent for intellectual property (hereinafter referred to as the “competent authority”);
17. information on the expiry of the certificate due to non-payment of the maintenance fees for the certificate;
18. information on the proceedings upon the application for a declaration of invalidity of the certificate (date of submission of application, applicant, type of decision and date of decision);
19. information on the proceedings on the appeal (filing date, appellant, type of decision and date of decision;)
20. expiry of the certificate (legal basis and date of expiry and scope of expiry);
21. other information where necessary.

The registers referred to in Articles 2 and 3 and in paragraph 1 of this Article shall be kept in electronic form.

The provisions of paragraph 1 of this Article shall apply *mutatis mutandis* to the applications for extension of duration of the certificate.

**Manner of issuance and content of the excerpts from the Register of Patent Applications, the Register of Patents and the Register of Certificates**

**Article 5**

An excerpt from the Register of Patent Application shall contain information referred to in Article 2 paragraph 1 of this Rulebook in the order in which that information is listed valid on the date of the issuance of such excerpt.

An excerpt from the Register of Patents shall contain information referred to in Article 3 paragraph 1 of this Rulebook in the order in which that information is listed valid on the date of the issuance of such excerpt.

An excerpt from the Register of certificates shall contain information referred to in Article 4 paragraph 1 paragraph 1 of this Rulebook in the order in which that information is listed valid on the date of the issuance of such excerpt.

At the request of an interested person a special excerpt may be issued for a specific period of time or a historical excerpt, which contains information mentioned in the chronological order from the date of entry of patent application or entry of patent or recognition of certificate, until the date of issuance of the excerpt.

An excerpt from the Register of Patent Applications, the Register of Patents or the Register of Certificates shall be certified with a note that contains: statement that the excerpt from the relevant register is identical to the original, followed by the place and date of issuance, number under which the excerpt has been issued and the seal and signature of authorized officer of the competent authority.

**Method of filing the request for the correction of errors in registers, patent documents or publications in the official gazette**

**Article 6**

The request for the correction of errors in the registers, patent documents or publications in the official gazette shall be filed in the form P-6 which forms an integral part of this Rulebook.

The request referred to in paragraph 1 of this Rulebook shall contain:

1. explicit indication that an error correction is requested;
2. number of the patent application or number of the patent or number of the certificate to which the request relates;
3. details concerning the applicant (the name and address or the name and registered office);
4. details concerning on the representative, if the request for an error correction is filed through a representative
5. indication of an error to be corrected;
6. indication of correct data;
7. signature of the applicant or representative.

The following shall be enclosed to the request referred to in paragraph 1 of this Article:

1. valid power of representation if the request for error correction is initiated through a representative;
2. proof of payment of the administrative fee and special procedural charges for the conduct of administrative proceedings when the error was not caused by the failure of the competent authority.

The number of the patent application or the number of the patent for which the error is corrected, date of publication of such application or patent, with the indication of the error which is corrected and correct data, is published in the official gazette.

**Manner of provision of information services**

**Article 7**

Information services referred to in Article 20 paragraph 1 of the Law shall be provided by searching the patent information funds contained in publicly available parts of the registers kept by the competent authority, and in other available patent information funds, according to the criteria required by a requesting party, or providing other information services falling within the scope of activity of the competent authority.

The competent authority shall provide information services on the basis of previously submitted request in writing which must contain details on the person requesting service (name, address and the signature of the requesting party) and detailed description of the service requested.

After the service has been provided, the competent authority shall deliver such information to the person requesting information in writing in person, by mail or by electronic means.

**Method of submission patent application**

**Article 8**

Patent application shall be submitted in written form, in person or by mail.

As a conformation of having received the application, the competent authority shall deliver to the applicant a copy of the form referred to in Article 10 paragraph 2 of this Rulebook, in which the date of receipt shall be indicated.

**Attachments to the patent application**

**Article 9**

The following shall be attached to the patent application:

1) power of representation, if the application is filed through a representative;

2) proof of payment of the administrative fees and special procedural charges for the patent application;

3) inventor’s statement that he does not wish his name mentioned in the application;

4) statement on joint representative, if there is more than one applicant;

5) certified copy of the first application, or prior applications, if the priority right referred to in Article 32 of the Law has been claimed;

6) certificate of the invention having been displayed at an international exhibition in accordance with Article 9 item 2 of the Law, if the invention had been exhibited;

7) proof of the deposit of biological material if the invention concerns biological material;

8) nucleotide and/or amino acid sequence listing, if the application contains disclosure of one or more than one nucleotide and/or amino acid sequence.

**Method of drafting a request for grant of a patent**

**Article 10**

A request for grant of a patent shall be drafted in the Form P-1 which forms an integral part of this Rulebook.

The Form P-1 shall contain:

1) explicit indication that a patent is being sought;

2) details concerning the applicant (the name and address or the name and registered office);

3) details concerning the inventor (the name and address) and indication that he does not wish his name mentioned in the application;

4) title of the invention, clearly and concisely reflecting the essence of the invention and which must not contain invented or commercial names, trademarks, names, codes, abbreviations common to individual products and the like;

5) details concerning the representative (the name and address or the name and registered office);

6) indication that one of the applicants shall act as joint representative, if there is more than one applicant;

7) a claim for priority right with the indication of information referred to in Article 33 of the Law (date, country and number of the first application, or prior applications);

8) indication of information on display at an international exhibition in accordance with Article 9 item 2 of the Law, if the invention had been exhibited;

9) number of the original application, in case of filing of a divisional application;

10) correspondence address (residence of the applicant or his representative or joint representative if there is more than one applicant, indicating also the telephone number, fax number or e-mail address);

11) information on other parts of the application (number of pages of the description of the invention, number of patent claims and number of pages of the drawing, abstract) and on the attachments to the application in accordance with the provisions of this Rulebook, and

12) signature of the requesting party or of his representative.

The competent authority shall not verify the accuracy of information mentioned in the request for grant of a patent.

Information mentioned in the request for grant of a patent may also be furnished in a submission containing all information listed in the form P-1.

**Method of drafting description of the invention**

**Article 11**

The description of the invention shall be drafted in a manner so as to specify the following in the prescribed order:

1) title of the invention, which must be the same as in the request for the grant of a patent referred to in Article 10 paragraph 2 item 4 of this Rulebook;

2) the technical field to which the invention relates, with the indication of symbol under the IPC, if it is known to the applicant;

2) technical problem for the solution of which the protection by a patent is sought;

3) background art (presentation and analysis of known solutions to the technical problem concerned), as far as is known to the applicant, which is useful to understand the and examine the application, citing the patent documents and other sources relating to the described background art if they are known to the applicant;

4) disclosing the essence of the invention in such terms that the technical problem and its solution can be understood, and state the novelty of the invention with reference to the background art;

5) brief description of the figures in the drawings, if any;

6) detailed description of at least one way of carrying out the invention, providing examples and referring to the drawing, if any; and

7) the way of industrial or other application of the invention when it is not obvious from the description or nature of the invention.

By way of exception from paragraph 1 of this Article, a different manner and order of drafting the description may be used if, owing to the nature of the invention, such manner would afford a better understanding or more economical presentation of the invention.

The solution to the technical problem referred to in paragraph 2 item 3 of this Article must be precisely determined and all essential characteristics of the invention must be presented clearly and unambiguously for the invention to be carried out by a person skilled in the art.

If the invention relates to a process, the solution to the technical problem referred to in paragraph 2 item 3 of this Article must contain all essential phases and characteristics of the invention, in a way that the feasibility of the process is shown completely, which must be proved by examples of carrying out the invention.

If the invention relates to a design, and is presented in a drawing, the solution to the technical problem referred to in paragraph 2 item 3 of this Article shall contain a detailed description of the design solution with reference to the symbols of the elements of the invention in the drawing, and as the proof of its capability of being carried out, it is necessary to describe the manner of functioning of both the particular essential elements of the design and the design itself.

If the invention relates to a substance, composition or biological material, the solution to the technical problem referred to in paragraph 2 item 3 of this Article shall contain their physical and chemical or biological properties and characteristics.

**Method of drafting of patent claims**

**Article 12**

The patent claims shall be drafted in the manner that the invention is defined by stating technical features of the invention.

The patent claim shall be formulated in one sentence and shall contain, as a rule:

1) an introductory portion beginning with the title of the invention and those technical features which, in combination, form part of the prior art but which are necessary for the definition of the features of the invention for which protection is sought;

2) a characterising portion, preceded by the expression "characterised in that" or "characterised by", specifying the new features of the invention for which, in combination, or in combination with the features of the prior art stated under item 1 of this paragraph, protection by a patent is sought.

The number of patent claims shall be reasonable with regard to the nature of the invention for which protection is sought and if there is more than one patent claim they shall be numbered consecutively in Arabic numerals.

Where the patent application contains a drawing including reference signs, the technical features specified in the patent claims shall preferably be followed by such reference signs relating to these features, placed in parentheses, if the intelligibility of the patent claims can thereby be increased.

The reference signs referred to in paragraph 4 of this Article shall not be construed as limiting the patent claim.

**Manner of drafting patent claims with regard to the unity of invention**

**Article 13**

When the condition of unity of invention referred to in Article 22 paragraph 2 of the Law is met, a patent application may contain more than one independent patent claim in the same category (product, process, apparatus, use) only if the subject-matter of the invention cannot be covered by a single patent claim.

Any patent claim indicating essential features of an invention may be accompanied by one or more dependent patent claims concerning specific features of that invention.

A dependent patent claim shall include all the features of some other (dependent or independent) patent claim and shall contain, if possible at the beginning, a reference to the other claim and then state the additional features for which protection by a patent is sought, while a dependent patent claim directly referring to another dependent patent claim shall also be admissible.

All dependent patent claims referring back to a single previous patent claim or to several previous claims, shall be grouped together in a way that a relationship between mutually dependent claims can be easily identified and that their meaning can be clearly interpreted.

A single general inventive concept is formed when several inventions are linked in a way that there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features, where the expression "special technical features" shall mean those technical features which define a contribution which each of the claimed inventions considered as a whole makes over the prior art.

A single general inventive concept may be formed without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

**Method of drafting a drawing**

**Article 14**

Drawing shall be submitted on separate sheets, and one drawing may contain several figures executed according to the rules of technical drawing, in orthogonal projection with the required number of cross-sections, and where necessary, in axonometric projection, isometric projection etc.

The figures may be executed as schemes, using the signs standardised for the relevant technical field.

On sheets containing drawings, the usable surface area shall not exceed 26.2 cm x 17 cm and the surface shall not be surrounded by frames, while the minimum margins shall be as follows: top – 2.5 cm, left side – 2.5 cm, right side – 1.5 cm and bottom – 1 cm.

A drawing shall be executed as follows:

1) drawn lines shall be black, well-defined and indelible (surfaces between the lines should as a rule be without colourings or shades;

2) cross-sections shall be indicated by hatching which should not impede the clear reading of the lines and reference signs;

3) the scale of the figures and distinctness of their graphical execution shall be such that electronic or photographic reproduction with a linear reduction in size to two-thirds will allow all details to be distinguished;

4) all numbers, letters, and reference signs appearing on the figures shall be simple and clear and shall not be placed in brackets, shall not be underlined, or placed in circles, between inverted commas etc.;

5) a drawing shall be executed with the aid of drafting instruments;

6) elements in the figure shall be proportional to one another, unless a difference in proportion is indispensable for the better clarity of the figure;

7) the height of the letters and numbers shall not be less than 0.32 cm;

8) the same sheet of drawings may contain several figures which shall be numbered consecutively in Arabic numerals, independently of the numbering of the sheets, and where figures drawn on two or more sheets form a single complete figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing or overlapping any part of the figure appearing on different sheets; different figures on one sheet shall be arranged one below the other, clearly separated from one another, but without larger free space between them, and where the figures are not so arranged, they shall be presented one beside the other with the first figure at the left side of the sheet;

9) reference signs not mentioned in the description of the invention and patent claims shall not appear in the drawings, and vice versa, while reference signs to features shall be consistent throughout the application, and

10) the figures shall not contain text matter, except, where indispensable, short words ("water", "steam", "open", "closed", "section A-A" etc.).

Flow sheets, algorithms and diagrams shall be deemed to be drawings.

**Method of drafting an abstract**

**Article 15**

The abstract shall indicate the title of the invention and a short summary of the essence of the invention as contained in the description of the invention, the patent claims and the drawing.

The abstract shall indicate the technical field to which the invention pertains, and shall be drafted in a manner allowing the clear understanding of the technical problem concerned, the gist of the solution of that problem, and the principal use or uses of the invention.

The abstract may, where applicable, contain the chemical formula which, among all the formulae contained in the application, best characterises the invention.

The abstract shall not contain statements on the alleged merits or value of the invention or on speculative applications thereof.

If the application contains drawings, the applicant shall indicate the figure or, exceptionally, the figures of the drawings which he suggests should be published with the abstract.

The competent authority may decide to publish one or more other figures if it considers that they better characterise the invention.

Each element of the invention mentioned in the abstract and illustrated by a figure shall be followed by a reference sign placed in parentheses.

The abstract may contain no more than one hundred and fifty words and shall be drafted in such a manner as to constitute an efficient instrument for the purpose of searching in the particular technical field, and, in particular, it shall make it possible to assess whether consultation of the patent application itself is necessary.

**Technical requirements for a duly filed patent application**

**Article 16**

The documents making up the patent application shall suitable for direct reproduction by scanning, photography, electrostatic processes, photo offset and microfilming, in an unlimited number of copies, and the sheets shall be free from cracks, creases and folds.

The size of the sheets shall be A4 (29.7 cm x 21 cm); the paper shall be white, smooth, matt, strong, pliable and durable, while only one side of the sheet shall be used and each sheet shall be used with its short sides at the top and bottom (upright position).

Each part of the application shall commence on a new sheet and the sheets shall be connected in such a way that they can easily be turned over, separated and joined together again.

The minimum permissible margins of the sheets not containing a drawing shall be as follows: top, right side and bottom – 2 cm and left side – 2.5 cm, while the recommended maximum for the margins of sheets not containing a drawing shall be as follows: top and left side – 4 cm and right side and bottom – 3 cm.

At the moment when the application is submitted, the margins of the sheets must be completely blank, while all the sheets shall be numbered in consecutive Arabic numerals, which shall be centred at the top of the sheet, but not placed in the top margin.

The request for grant of a patent, the description of the invention, the patent claims and the abstract shall be legibly printed, and the typing shall be 1½ spaced.

Only graphic symbols and characters and chemical and mathematical formulae may, if necessary, be written indelibly by hand.

The size and colour of the characters in the text should be such that a text is easily legible, and, as a rule, the capital letters in the text may not be less than 0.21 cm high and shall be in a dark, indelible colour.

**Additional requirements for a duly filed patent application**

**Article 17**

The request for grant of a patent, the description of the invention, the patent claims and the abstract shall not contain figures.

The description of the invention, patent claims and abstract may contain chemical or mathematical formulae and the description of the invention and abstract may contain tables.

The patent claims may contain tables if their subject-matter makes the use of tables necessary.

Tables and chemical or mathematical formulae may be placed sideways on the sheet if they cannot be presented satisfactorily in an upright position, while the sheets where the tables and chemical or mathematical formulae are so presented shall be placed so that the tops of the tables or formulae are at the left-hand side of the sheet.

Values of physical quantities shall be expressed in units of the International System of Units (SI), while, in case of mathematical, chemical and molecular formulae and atomic masses, the symbols and technical terms and signs generally accepted and common in the technical field in question shall be used.

The terminology, signs and symbols shall be consistent throughout the patent application.

The text of the application should be reasonably free from errors, additional matters, overwriting and interlineations.

**Statements prohibited in a patent application**

**Article 18**

The patent application shall not contain:

1) statements or figures contrary to *ordre public* or morality;

2) statements disparaging a product or processes of a third party or the merits or validity of an application or a patent of any such party, while mere comparisons with the prior art shall not be considered disparaging per se;

3) statements obviously irrelevant or unnecessary for disclosure of the invention.

The statements or figures referred to in paragraph 1 item 1 of this Article may be omitted from the patent application as published, while the applicant shall be informed of the place and number of words or drawings omitted.

The statements referred to in paragraph 1 item 2 of this Article may be omitted from the publication, while the applicant shall be informed of the place and number of words omitted, and upon request he shall be furnished a copy of the passages omitted.

**Later documents**

**Article 19**

The provisions of Articles 11 to 18 of this Rulebook shall also apply to later documents replacing the parts of the patent application.

The submissions referred to in paragraph 1 of this Article shall be filed with the competent authority in the same manner as the application.

Documents filed subsequently which are to be notified to third parties or are related to two or more applications, shall be submitted in a number of copies corresponding to the number of persons to whom they are to be notified or the number of applications to which they relate.

If, despite the request from the competent authority, a sufficient number of copies of the documents referred to in paragraph 3 of this Article is not submitted, the costs of their reproduction shall be borne by the person who was obliged to submit them.

**Deposit of the biological material**

**Article 20**

Where the invention involves the use of biological material or concerns biological material not available to the public and if it has not been described in the application in such a manner as to enable the invention to be carried out by a person skilled in the art, it shall be deemed to have been described in the manner provided for in Article 25 paragraph 1 of the Law if:

1) the patent application on the filing date contains all information as is available to the applicant on the characteristics of the biological material;

2) the patent application states the name of the depository institution (hereinafter referred to as the “relevant depository institution”), the accession number of the deposit and the date of the deposit, and

3) when the deposit of the biological material was made by a person other than the applicant, the name and the address of the depositor are stated in the application, and if the competent authority was furnished with a document indicating that the depositor authorises the applicant to make a reference to the deposited biological material and gives consent for the deposit to be made available to the public in accordance with Article 21 of this Rulebook.

The information referred to in paragraph 1 items 2 and 3 of this Article may be submitted:

1) within three months of the date of submission of the request for grant of the priority right, and

2) by the date of submitting the request to publish application earlier in accordance with Article 44 paragraph 2 of the Law.

**Availability of deposited biological material**

**Article 21**

Access to the deposited biological material shall be obtained by submitting a request for the issue of its sample.

A sample of the deposited biological material shall be available:

1) up to the publication of the patent application, to the person who submits the request referred to in paragraph 1 of this Article, having the consent of the applicant, and to a prosecutor, judicial and investigative authorities in the course of conduct of proceedings for civil law protection prescribed by the Law;

2) after the patent has been granted, and notwithstanding revocation or cancellation of the patent, to the person who submits the request referred to in paragraph 1 of this Article.

 The request referred to in paragraphs 1 and 2 of this Article shall be submitted to the competent authority in two copies, in the form prescribed by the relevant institution referred to in Article 25 paragraph 3 of the Law.

  The sample shall be available only if the person requesting it undertakes to the applicant or the holder of the patent, for the term during which the patent is in force, that the biological material or any biological material derived from it:

1) will not be made available by him to third parties;

2) will be used only for experimental purposes until the date when the patent application is refused or withdrawn or deemed to be withdrawn or prior to the lapse of the patent, unless the applicant for or the holder of the patent waives such an undertaking.

Up to the date on which the technical preparations for publishing are deemed to have been completed, the applicant may inform the competent authority that the access to the sample of the deposited material shall be limited to an independent expert designated by the requestor:

1) until the publication of grant of the patent, or

2) within 20 years from the date on which the patent application was filed, if the patent application has been refused or withdrawn and if applicable.

The expert referred to in paragraph 5 of this Article may be a natural person for which, when submitting the request, the requestor has submitted a consent by the applicant or the holder of the patent for that person to be designated as the expert.

  If the requestor referred to in paragraphs 1 and 2 of this Article uses biological material on the basis of compulsory license, the biological material may also be used for other purposes except for experimental purposes referred to in paragraph 4 item 2 of this Article.

**Availability of biological material in the additional period**

**Article 22**

If the sample of the biological material is no longer available from the relevant depositary institution, and has not been transferred to another relevant depositary institution, it shall be deemed that the invention in the patent application has not been described within the meaning of Article 25 paragraph 1 of the Law.

The legal consequences of non-availability of the deposited biological material referred to in paragraph 1 of this Article shall not be deemed to have occurred if:

1) the depositor, within three months from the date of receipt of notice from the relevant depositary institution that the originally deposited biological material makes a new deposit of the sample of that biological material on the same terms as those laid down in the Budapest Treaty on the International Recognition of the Deposits of Microorganisms for the Purpose of Patent Procedure;

2) the depositor, when making a new deposit, submits a signed statement that the newly deposited biological material is the same as that originally deposited, and

3) the competent authority, within four months of the date of the new deposit, receives a certificate on the deposit of a sample of the biological material issued by the relevant depositary institution, stating the number of the patent application or of the patent to which the deposit relates.

If the unavailability of the biological material is caused by the biological material not being viable, it must be deposited again with the same relevant depositary institution with which it was originally deposited, and in the case of some other reason, the sample of the biological material may be deposited with another relevant depositary institution.

If the depositary institution with which the biological material was originally deposited ceases to act as a relevant depositary institution in the field of specific type of the biological material, and the depositor has not been informed of the change that has occurred, the time limit laid down in paragraph 2 item 1 of this Article shall start to run from the date of publication of such change in the official gazette of the competent authority.

**Nucleotide and/or amino acid sequence listings**

**Article 23**

If the patent application discloses one or more than one nucleotide and/or amino acid sequence, the description of the invention must contain a sequence listing.

Any nucleotide and/or amino acid sequence listing not contained in the description of the invention or not attached when the patent application is filed shall not be deemed to be a part of the description.

Nucleotide and/or amino acid sequence listing shall, as a rule, be presented in the form prescribed by the relevant standards of the World Intellectual Property Organization.

**Content of the request for the issuance of certificate of the right of priority**

**Article 24**

The request for the issuance of a certificate of the right of priority shall contain:

1. explicit indication that issuance of certificate of the right of priority is requested;
2. the number of copies of the certificate of the right of priority claimed;
3. the number of the patent application for which the issuance of a certificate of the right of priority is requested, and
4. details concerning the person requesting the issuance of a certificate of the right of priority.

**Content of the certificate of the right of priority**

**Article 25**

A certificate of the right of priority shall contain:

1) details concerning the applicant for a patent (the name and address or the name and registered office);

2) number of the patent application;

3) title of the invention;

4) filing date of the patent application;

5) note that the information in the certificate of the right of priority are identical to the information in the patent application, and

6) text of the patent application accorded a filing date, excluding abstract.

**Content of the information from the patent application and information on granted patent published in the official gazette**

**Article 26**

The following information from the patent application shall be published in the official gazette of the competent authority:

1. number of the patent application;
2. filing date of the patent application;
3. symbol under the IPC;
4. details concerning the inventor (name), or information that the inventor does not wish his name mentioned in the application;
5. details concerning the representative (the name and address or the name and registered office);
6. title of the invention, in Montenegrin and in English;
7. data on priority claimed (date, number of the patent application and the country in which the patent application was filed);
8. information on the international patent application filed in accordance with Article 152 of the Law, if such application had been filed (number and date of filing of the international application, number and date of international publication);
9. number of the original application, in case of divisional application;
10. information on the invention having been displayed at an exhibition;
11. abstract, and
12. characteristic figure of the drawing, if there is a drawing.

In addition to the information referred to in paragraph 1 of this Article, information on the patent granted which is published in the official gazette of the competent authority shall also include:

1. number of the patent;
2. date of publication of the mention of the grant of the patent;
3. details concerning the patent holder (the name and address or the name and registered office).

Information referred to in paragraphs 1 and 2 of this Article shall be published together.

**Content and form of a patent certificate and patent specification**

**Article 27**

A certificate on granted patent shall be issued in written form and shall contain:

1) registration number of the patent;

2) title of the invention;

3) details concerning the patent holder (the name and address in case of natural person or the name and registered office in case of legal person);

4) details concerning the inventor (the name and address), or information on submitted inventor’s statement that he does not wish his name mentioned in the patent application, and

5) date of issuance of the certificate.

A patent specification shall be issued in written form and shall contain:

1) registration number of the patent;

2) symbol under the IPC;

3) date of publication of information on the patent;

4) details concerning the patent holder (the name and address or the name and registered office);

5) details concerning the inventor (the name and address);

6) details concerning the representative (the name and address or the name and registered office);

7) title of the invention;

8) filing date of the patent application;

9) data on granted right of priority (date, number of the application and country in which the application was filed);

10) date of publication of the patent application, and

11) description of the invention, patent claims, drawing, if any, and an abstract.

If the competent authority adopted a decision determining that an invention partially meets the conditions laid down in Article 48 paragraph 1 item 2 of the Law, or if in the appeal procedure or the revocation procedure the patent was maintained in an amended form, or in the case of surrender of a patent in part, provided that relevant administrative fees and special procedural charges have been paid, the competent authority shall publish new patent specification.

**Content of the decision on the basis of evidence of patentability**

**Article 28**

Information from the decision on the basis of evidence of patentability provided for in Article 48 of the Law which is published in the official gazette shall be as follows:

1. number of the patent;
2. date of publication of the information on the granted patent, and
3. number and date of adoption of the decision on the basis of evidence of patentability.

**Content of the application and publication of information on application** **for the restitution of rights**

**Article 29**

An application for the restitution of rights shall contain the following information:

1) explicit indication that a restitution of rights is sought;

2) number of the patent application or the number of the patent;

3) details concerning the applicant for the restitution of rights (the name and address or the name and registered office);

4) details concerning the representative (the name and address or the name and registered office), if the applicant submitted the application for the restitution of rights through a representative, and

5) signature of the applicant for the restitution of rights or his representative.

The following information from the application for the restitution of rights shall be published in the official gazette:

1. details concerning the applicant for the restitution of rights (the name and address or the name and registered office);
2. date of receipt of the application for the restitution of rights, and
3. number of the patent application or the number of the patent.

The following information from the decision deciding on the application for the restitution of rights shall be published in the official gazette:

* 1. details concerning the applicant for the restitution of rights (the name and address or the name and registered office),
  2. date of adoption of the decision on the application for the restitution of rights and the outcome of the decision, and
  3. number of the patent application or the number of the patent.

**Content of the application and publication of information on the application for the continuation of proceedings**

**Article 30**

An application for the continuation of proceedings shall contain the following information:

1) explicit indication that a continuation of proceedings is sought;

2) number of the patent application or the number of the patent;

3) details concerning the applicant for the continuation of proceedings (the name and address or the name and registered office);

4) details concerning the representative (the name and address or the name and registered office), if the applicant submitted the application for the continuation of proceedings through a representative, and

5) signature of the applicant for the continuation of proceedings or his representative.

The following information from the application for the continuation of proceedings shall be published in the official gazette:

1. details concerning the applicant for the continuation of proceedings (the name and address or the name and registered office);
2. date of receipt of the application for the continuation of proceedings, and
3. number of the patent application or the number of the patent.

The following information from the decision deciding on the application for the continuation of proceedings shall be published in the official gazette:

1. details concerning the applicant for the continuation of proceedings (the name and address or the name and registered office);
2. date of adoption of the decision on the application for the continuation of proceedings and the outcome of decision, and
3. number of the patent application or the number of the patent.

**Request for grant of a certificate and an extension** **of the duration of the certificate**

**Article 31**

The request for grant of the supplementary protection certificate(hereinafter referred to as the “certificate”) and the request for an extension of the duration of the certificate shall be filed in the Form P-5 which forms an integral part of this Rulebook.

The Form P-5 shall contain information referred to in Article 92 paragraph 1 indent 1 and paragraph 3 of the Law.

**Content of the certificate**

**Article 32**

The supplementary protection certificate shall contain:

1) number of the certificate;

2) details concerning the holder of the certificate (the name and address or the name and registered office);

3) name of the product for which the certificate is issued;

4) the number of the basic patent;

5) the title of the invention;

6) the number and date of the authorization to place the product on the market and the name of the product identified in the authorization;

7) the number and date of the first authorization to place the product on the market, where relevant in accordance with Article 92 paragraph 1 indent 2 of the Law, and

8) duration of the certificate.

**Information from the application for grant of the certificate and other documents published in the official gazette**

**Article 33**

The following information from the application for grant of the certificate shall be published in the official gazette:

1) number of the application for grant of the certificate;

1. filing date of the application for grant of the certificate;
2. details concerning the applicant for grant of the certificate (the name and address or the name and registered office);
3. details concerning the representative (the name and address or the name and registered office);
4. the number of the granted basic patent or of application for a basic patent;
5. title of the invention;
6. name of the product for which the grant of the certificate is requested;
7. the number and date of the authorization to place the product on the market and the name of the product identified in the authorization;
8. the number and date, and the country of the first authorization to place the product on the market, where relevant in accordance with Article 92 paragraph 1 indent 2 of the Law, and
9. mention of the requested extension of the duration of the certificate, if the application for an extension of the duration has been filed.

The following information on the granted certificate shall be published in the official gazette:

* 1. details concerning the holder of the certificate;
  2. number of the certificate (the name and address or the name and registered office);
  3. the number of the basic patent;
  4. title of the invention;
  5. name of the product for which the grant of the certificate is requested;
  6. the number and date of the authorization to place the product on the market and the name of the product identified in the authorization;
  7. the number and date, and the country of the first authorization to place the product on the market, where relevant in accordance with Article 92 paragraph 1 indent 2 of the Law;
  8. duration of the certificate, and
  9. details concerning the representative (the name and address or the name and registered office);

In addition to the information referred to in paragraph 1 of this Article, in case of dismissal or rejection of the application for grant of the certificate, the date of adoption and the number of the decision shall also be published in the official gazette.

The following information on the expiry of the certificate shall be published in the official gazette:

1. number of the certificate;
2. legal basis and the date of expiry of the certificate, and
3. the number of the official gazette in which the certificate has been published.

The provisions of paragraphs 1 to 4 of this Article shall apply *mutatis mutandis* to the publication of information on the extension of the duration of the certificate or of the fact that the application for an extension of the duration of the certificate has been rejected.

**Content of information on the patent annulment which is published by the competent authority in the official gazette**

**Article 34**

The following information on patent annulment shall be published in the official gazette:

1. number of the patent;
2. patent holder;
3. number and date of decision on the patent annulment, and
4. scope of termination in the case of annulment in part.

**Content of information entered in the Register of Patent Applications or the Register of Patents**

**Article 35**

The competent authority shall enter the following information on instituted judicial proceedings and final and legally binding decisions concerning those proceedings in the Register of Patent Applications or the Register of Patents:

1. date of filing the complaint and the case number;
2. type of dispute;
3. number and date of decision, and the information on finality of decision, and
4. indication of the applicant or holder of the patent whose right to patent has been established by a final and legally binding decision, and
5. details concerning the inventor whose inventorship has been established by a final and legally binding decision.

The provision of Article 36 of this Rulebook shall apply *mutatis mutandis* to the entry of information referred to in paragraph 1 of this Article and their publication in the official gazette.

**Procedure for entry in the Register of Patent Applications or the Register of Patents of the licence agreements or pledge agreements, and other changes relating to the applicant or the patent holder and their publication in the official gazette**

**Article 36**

The procedure for entry in the Register of Patent Applications or the Register of Patents of the licence agreements or pledge agreements, and other changes relating to the applicant or the patent holder shall be initiated by a request which shall contain:

1) explicit indication that entry of a change in the Register of Patent Applications or the Register of Patents is requested;

2) number of the patent application, or the registration number of the patent;

3) details concerning the requesting party (the name and address or the name and registered office);

4) details concerning the applicant, or the patent holder according to status in the Register of Patent Applications or the Register of Patents (the name and address or the name and registered office);

5) indication of the type of change (change of the name and address, transfer of a right, license, pledge);

6) details concerning the representative, if the procedure for the registration of the change is initiated through a representative (the name and address or the name and registered office), and

7) signature of the requesting party or his representative.

The entry in the Register of Patent Applications or the Register of Patents of changes relating to more than one application or patent may be requested by a single request referred to in paragraph 1 of this Article, if the former right-holder and new right-holder are the same person and if the numbers of the applications or the numbers of patents (P-numbers) are indicated in the request.

Information required for entry of a change of the name and address referred to in paragraph 1 of this Article shall be inserted in the Form P-2 which forms an integral part of this Rulebook.

Information required for entry of a transfer of patent in the Register of Patents shall be entered in the Form P-3 which forms an integral part of this Rulebook.

Information required for entry of a license agreement or a pledge agreement in the Register of Patent Applications or the Register of Patents shall be entered in the Form P-4 which forms an integral part of this Rulebook.

The number and the date of patent application or of patent for which the change is effected in the Register of Patent Applications or the Register of Patents, date of publication of that patent application or patent and indication of changed data shall be published in the official gazette.

The provisions of paragraphs 1 to 6 of this Article shall apply *mutatis mutandis* to the certificate.

**Documentation to be enclosed to the request for entry of changes**

**Article 37**

The following shall be enclosed to the request referred to in Article 36 paragraph 1 of this Article:

* 1. proof of legal basis for the change whose entry in the Register of Patent Applications or the Register of Patents is requested (a contract or public document), and
  2. proof of payment of the fee for the decision on the request for entry of a change and publication of the change of data in the official gazette of the competent authority.

A contract or public document proving the legal basis for a change whose entry in the Register of Patent Applications or the Register of Patents is requested shall be submitted in Montenegrin language, in the original or a certified copy, in whole or in part which clearly indicates that the change was made.

If the entry of change in the Register of Patent Applications or the Register of Patents changes details concerning the applicant or the patent holder who is a foreign natural or legal person in accordance with Article 4 of the law, it is necessary to submit new power of representation for representation of new applicant or patent holder.

If the request for the entry of change has been drafted in accordance with Article 36 paragraph 1 of this Rulebook and if the contract or public document proving the legal basis for a change contains all elements in accordance with the law, the competent authority shall adopt decision on the entry of the change in the Register of Patent Applications or the Register of Patents and enter that change in the Register of Patent Applications or the Register of Patents and publish it in the official gazette of the competent authority.

If the request for entry of change has not been drafted in accordance with Article 36 paragraph 1 of this Rulebook, if the contract or public document proving the legal basis for a change does not contain all elements in accordance with the law, or if the information from the request does not correspond to the information in the Register of Patent Applications or the Register of Patents, the competent authority shall invite the requesting party to supplement such request within two months from the date of receipt of invitation.

If the requesting party does not supplement the request within the time period laid down in paragraph 5 of this Article, the competent authority shall refuse the request.

The provisions of paragraphs 1 to 6 of this Article shall apply *mutatis mutandis* to the certificate.

**Content of report on the invention made in the course of employment**

**Article 38**

A written report by which the inventor informs the employer, immediately upon the creation of the invention, that he came with an invention in the course of employment shall contain:

1) given name and family name of the inventor;

2) detailed description of invention, indicating in particular new technical solution, and a drawing if necessary for its understanding;

3) best use or uses of the invention;

4) information on the job or special task on which the employee worked at the moment of creation of the invention, or on concluded research contract;

5) method of coming up with the invention (experiments etc.);

6) information on the employer’s facilities the employee used in the creation of the invention;

7) names and creative contribution of the associates (if any), and

8) assessment whether it is an invention referred to in Article 129 paragraph 1 items 1 and 2 of the Law.

**Content of the publication of information from the request for extension of a European patent application**

**Article 39**

The following information from the request for extension of a European patent application shall be published in the official gazette:

1) information on the European patent application (filing date and number of the European patent application);

2) information on the international patent application, if such application had been filed (number of the international application, filing date of the international application, number of international publication, date of international publication);

3) information on the publication of the European patent application (number of publication of the application, date of publication and language in which the application was published);

4) title of the invention in English;

5) symbol under the IPC;

6) data on priority claimed (date, number of the application and country in which the application was filed);

7) details concerning the applicant (the name and address or the name and registered office);

8) details concerning the inventor (the name and address), or indication that the inventor does not wish his name mentioned in the application, and

9) title of the invention in English.

If a request for extension of a European patent application has been withdrawn, or if the European patent application has been ultimately refused, withdrawn or deemed to be withdrawn within the meaning of Article 142 paragraph 5 of the Law, the competent authority shall publish such information, in addition to the information referred to in paragraph 1 of this Article.

**Information on the extended European patent to be published**

**Article 40**

The following information on the extended European patent shall be published in the official gazette:

1. number of the patent;
2. symbol under the IPC;
3. number of publication of translation of patent claims and type of translated document;
4. number and date of the request for entry of a European patent in the register;
5. information on the European patent application (filing date and number of the European patent application);
6. information on publications of the European patent (number of the publication of the European patent, date and type of publication, number of issue of the gazette in which the European patent has been published and the language in which it has been published);
7. information on the international application, if such application had been filed (number of the international application, filing date of the international application, number of international publication, date of international publication);
8. data on the granted priority right (date, number of the application and the country in which the first application was filed);
9. details concerning the patent holder (the name and address or the name and registered office);
10. details concerning the inventor (the name and address), or indication that the inventor does not wish his name mentioned;

11) details concerning the representative (the name and address or the name and registered office);

12) title of the invention in Montenegrin and in English, and

13) the first patent claim, with the indication of number of the remaining patent claims.

Where, as a result of an opposition or request for limitation filed with the European Patent Office, a European patent is maintained with amended claims, or the holder of the patent furnishes an amended translation of the patent specification, the competent authority shall, in addition to the information referred to in paragraph 1 of this Article, publish the information on amended translation in the official gazette.

**Filing international application with the competent authority as receiving office**

**Article 41**

The international application shall be filed with the competent authority as receiving office in English or in Montenegrin language in two copies.

If the international application has been filed in Montenegrin language, the applicant shall submit to the competent authority a translation of the international application in the English language within one month from the date of receipt of the application.

**Deferred Application**

**Article 42**

The provisions of Articles 4, 31, 32 and 33 of this Rulebook shall apply from the date of accession of Montenegro to the European Union.

**Entry into force**

**Article 43**

This Rulebook shall enter into force on the eighth day from that of its publication in the *Official Gazette of Montenegro*.