

HUNGARY

Patent Regulations

Decree No. 20 of 1995

ENTRY INTO FORCE: January 1, 1996

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Article 1 The Patent Application

(1) The patent application shall contain:

- (a) a request;
- (b) a description with one or more claims;
- (c) one or more drawings where necessary for the understanding of the invention;
- (d) an abstract;
- (e) the document appointing the representative, if any;
- (f) a deed of assignment, if the applicant is the successor in title of the inventor;
- (g) a priority document where convention priority is claimed;
- (h) where a statement on the display of the invention at an exhibition is made, the relevant certificate;
- (i) in the case of an invention involving the use of a microorganism which is not available to the public and cannot be disclosed in the patent application, a receipt concerning the deposit of the said microorganism;
- (j) a fee for administrative services prescribed by special decree.

(2) The request, the description with the claims, the drawings, and the abstract shall commence on a new sheet and shall be separately numbered in consecutive numerals; the contents thereof shall be in accordance with each other.

(3) The terminology shall be consistent throughout the application; for technical notions Hungarian terms, failing which, the terms of international practice shall be observed; units of measures shall be expressed in terms of units specified by special legislation, failing which, in units accepted in international practice.

Article 2 The Request

(1) The request shall be filed in one copy and shall contain:

- (a) the name and address of the applicant; if there are several applicants, the shares of their entitlement if they are not equal;
- (b) the title of the invention (short and precise indication of its subject matter);
- (c) a declaration that the applicant is the inventor or his/her successor in title;
- (d) the name and address of the inventor; if there are several inventors, the shares of authorship if they are not equal;
- (e) the name and address of the representative, if any;
- (f) when claiming convention or internal priority, a declaration to this effect, indicating the filing date, country and number of the foreign patent application in the case of convention priority, or the filing date and reference number of the pending application in the case of internal priority;
- (g) in the case of displaying the invention at an exhibition, a statement to this effect;
- (h) in the case of derivation or division, a declaration to this effect, indicating the reference number, as well as the filing and priority dates of the original application;
- (i) a petition for the grant of a patent;
- (j) a list indicating the documents attached to the request;
- (k) the signature of the applicant (of all of the applicants) or of the representative.

(2) The request may also be prepared by completing a form which may be obtained from the Hungarian Patent Office free of charge.

Article 3 The Description and the Claims

(1) The description and the claims shall be filed in three identical copies, prepared as follows:

(a) the description and the claims shall be made on one side of strong and white sheets of A4 size (29.7 cm x 21.0 cm); all sheets shall be so connected that they can be easily separated and joined again;

(b) the margins of the sheets shall be 2.5 to 4 cm on the left side, 2 to 4 cm on the top and 2 to 3 cm on the other sides;

(c) the description and the claims shall be typed or printed and shall be 1- or 2-spaced; chemical or mathematical formulae and foreign characters may, when necessary, be written by hand;

(d) the description and the claims may contain only minor erasures, corrections or insertions not affecting the authenticity of the text, these shall be signed in the margin of the sheet;

(e) the description and the claims shall not contain drawings, they may, however, contain tables and chemical or mathematical formulae denoted by numbers or letters; the claims may contain tables only if it is indispensable;

(f) reference signs contained in the drawings shall be placed in the description before the feature denoted without parentheses, and in the claims after the feature denoted between parentheses; the claim may refer to the description or the drawings only by the reference signs; the description shall contain all the reference signs indicated in the drawings;

(g) the description and the claims shall be signed at the end of the last sheet by the applicant (by all of the applicants) or by the representative.

(2) The patent description shall:

(a) contain the title of the invention;

(b) specify shortly the subject matter and the field of application of the invention;

(c) indicate the background art by describing the solutions which are closest to the invention and by citing, where possible, the documents reflecting such art, further it shall describe the deficiencies the improvement of which is aimed at by the invention;

(d) indicate the technical problem to be solved by the invention;

(e) set forth the most general mode for carrying out the invention,

in compliance with the main claim;

(f) describe the advantageous modes when necessary, in compliance with the dependent claims;

(g) enumerate the figures by indicating their subject;

(h) contain one or more examples supporting the scope of protection;

(i) state the advantageous effects of the invention with reference to the background art.

(3) The claims defining the matter for which protection is sought shall be prepared in terms of the technical features of the invention as follows:

(a) depending on the nature of the invention, claims may be drafted for a product, an apparatus, a process or for use;

(b) the claims shall consist of one sentence and shall be numbered in consecutive Arabic numerals;

(c) the claims - with the exception of paragraph d) - shall contain a statement and a characterizing portion; the statement shall indicate the subject matter of the invention and, where appropriate, its features common with the solution closest to the invention and forming part of the state-of-the-art; the characterizing portion shall indicate the features that distinguish the invention from that solution; the statement and the characterizing portion shall be linked by the words "characterized by" or "characterized in that";

(d) in claims relating to new compounds and new mixtures, as well as to the use of compounds and mixtures, the features shall be indicated continuously, without being divided into a statement and a characterizing portion;

(e) all the features that are absolutely necessary to solve the technical problem shall be included in one or - where a group of inventions is claimed in one patent application - more independent claims;

(f) the advantageous solutions belonging to the scope of protection of the independent claim may be included in dependent claims; the dependent claim shall refer to the independent claim directly or indirectly;

(g) claims shall not, except where absolutely necessary, rely, in respect of the technical features of the invention, on references to the description, drawings or other documents.

Article 4 The Drawings

The drawings, including flow sheets and diagrams, shall be filed in three identical copies and shall be executed by using the rules of technical drawing as follows:

- (a) drawings shall be placed on one side of strong and white sheets of A4 size, on the sheets margins not less than 2 cm without frames shall be left;
- (b) drawings shall be executed in dark, well-visible, durable and uniformly thick lines without colorings, shading, folding and cracks, cross-sections shall be identified by hatching;
- (c) the scale and the graphical execution of the drawings shall be such that a reduction in size to two-thirds would enable all details to be distinguished without difficulty;
- (d) where figures on two or more sheets are intended to form a single complete figure, the figures on the several sheets shall be so arranged that the complete figure can be assembled without concealing any part of the figures appearing on the various sheets;
- (e) the different figures shall be arranged on a sheet or sheets clearly separated from one another, and shall be numbered in Arabic numerals consecutively, independently of the numbering of the sheets;
- (f) all reference signs (numbers and letters) appearing on the drawings shall be simple and clear; the height of the numbers and letters shall not be less than 0.32 cm, on drawings containing chemical formulae the diameter of rings shall not be less than 1.4 cm; brackets, circles or inverted commas shall not be used in association with numbers and letters; for the lettering of figures, the Latin and, where customary, the Greek alphabets shall be used;
- (g) any part of the figures may contain reference signs only if they appear in the description as well; the same features of the drawings shall be denoted by the same reference signs corresponding to those figuring in the description and the claims;
- (h) the drawings shall not contain indications of size and text matter, except short and simple words (such as "water", "steam", "section on AB", "open", "closed") indispensable for understanding, and a few catchwords indispensable for understanding block schematic or flow sheet diagrams;
- (i) each sheet shall contain on the margin the number of the given sheet and the total number of sheets separated by a slant.

Article 5 The Abstract

(1) The abstract shall be filed in three copies and shall contain:

(a) the title of the invention;

(b) a short summary - preferably 50 to 150 words - of the invention as disclosed in the description, the claims and the drawings, which allows the clear understanding of the gist of the solution of the problem through the invention and the principal use of the invention.

(2) At the end of the abstract the number of the figure which best characterizes the invention shall be indicated, the reference signs of which shall be used in the abstract (following the feature mentioned, between parentheses).

Article 6 Special Provisions Concerning Plant Varieties

In the case of patent applications concerning plant varieties the provisions of Articles 2 to 4 shall apply with the following differences:

(a) the title of the invention shall contain the variety denomination, the common name, and the Latin name of the species between parentheses; in the case of State qualified varieties, the denomination registered in the course of qualification shall be used;

(b) the description shall characterize the plant variety to an extent necessary for identification, by indicating those essential morphological and other measurable characteristics which may distinguish it from the commonly known variety that is the most similar to the claimed variety;

(c) the commonly known varieties may be referred to in the description and in the claims by the variety denomination as well;

(d) the statement of the claim shall contain the variety denomination, the common name of the variety as well as its origin and known features, the characterizing portion shall contain those features which distinguish the plant variety from the commonly known variety that is the most similar to the claimed variety;

(e) the plant variety shall be presented, by showing as far as possible the important distinctive features disclosed in the description, on photos, filed in three identical copies, that admit of reproduction.

Article 7 Special Provisions Concerning Animal Breeds

In the case of patent applications concerning animal breeds the provisions of Articles 2 to 4 shall apply with the following differences:

(a) the title of the invention shall contain the denomination of the breed, the common name, and the Latin name of the species between parentheses; in the case of State approved breeds, the denomination registered in the course of approval shall be used;

(b) the description shall characterize the animal breed to an extent necessary for identification, on the basis of assessment characteristics which may distinguish it from the commonly known breed that is the most similar to the claimed breed, furthermore, where an animal breed does not fall within the scope of the Law on Livestock Breeding, by expounding knowledge important from the point of view of reproducibility;

(c) the commonly known breeds may be referred to in the description and in the claims by the denomination of the breed as well;

(d) the statement of the claim shall contain the denomination of the breed, its common name and, where necessary, its origin and known features, the characterizing portion shall contain those features which distinguish the animal breed from the commonly known breed that is the most similar to the claimed breed;

(e) the animal breed shall be presented, by showing as far as possible the important distinctive features disclosed in the description, on photos, filed in three identical copies, that admit of reproduction.

Article 8 Entry into Force

(1) This Decree shall enter into force on January 1, 1996; its provisions shall apply to patent applications filed after its entry into force.

(2) Simultaneously with the entry into force of this Decree the Decree No. 16/1994 (IX. 13.) IM on the Detailed Formalities of Patent Applications shall be repealed.