

**LUXEMBOURG**  
**Patent Regulations**  
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**[1] Regulation Concerning the Procedure and the Administrative Formalities Regarding Patents of Invention**

**TITLE I GENERAL**

**Art. 1. Definitions**

For the purpose of this regulation:

- "Law" means the law of July 20, 1992, amending the system of patents of invention;
- "Regulation relating to the fees" means the regulation(s) of Luxembourg fixing fees and payments to be collected regarding the patents of invention and supplementary protection certificates as well as the methods of payment;
- "Regulations (CEE) No. 1768/92" means Regulations (CEE) No. 1768/92 of the European Community Council of June 18, 1992, concerning the creation of a supplementary protection certificate for medicine;
- "Service" means the National Intellectual Property Service, acting in compliance of the Paris Convention and of the national legislation on patents;
- "Register" means the patent register maintained by the Service;
- "Professional representative" means any person registered by name in the Register of professional representatives as defined in Article 85 of the Law, as well as the attorneys registered in the membership list of attorneys for the Luxembourg courts;
- "Technical documents" means the documents referred to in Article 19, paragraph 1, letters (b), (c), (d) and (e) of the Law.
- "Certificate" means the supplementary protection certificate for medicine instituted by the Regulations (CEE) No. 1768/92 of the European Community Council of June 18, 1992.

**Art. 2. Languages**

1. Subject to the provisions of Articles 19 and 20 of the Law, written communications and documents addressed to the Service should be written either in the French, German, or Luxembourgian language.

2. Any Communication or document written in any other language should be accompanied with translation into one of the three languages referred to in paragraph 1. The Service may disregard this requirement if the communication, the document or its translation is written in English.

3. The amendments of technical documents should be written in the language

of the original document or, if it concerns the claims referred to in Article 19, paragraph 3, letter (a) of the Law, in the language into which the claims have been translated.

4. A patent application written in the Luxembourgian language should be supplemented by a translation in French or German. This translation must be submitted within a period of one month after the filing of the patent application.

### **Art. 3. Communication**

1. Any written communication addressed to the Service, which aims at an entry into the Register or at having an item be added to the file of the patent application or of the patent, should be signed and sent to the Service in duplicate.

2. For any unsigned communication, the date of submission of that unsigned communication shall be acknowledged, on the condition that the fault will be eliminated within a period of one month starting from the advice from the Service, or, in default of the advice, within a period of two months following the submission of the communication to be signed.

3. The head of the Service may totally or partially dispense with the conditions set forth in paragraphs 1 and 2.

4. Any communication concerning a patent application or a patent, or a certificate application or a certificate, must indicate the name of the owner as well as:

(a) if it concerns a patent of Luxembourg: the filing number;

(b) if it concerns an European or international patent: the more recent between the filing number and the publication number.

### **Art. 4. Notification of the Service**

1. All notices sent by the Service concerning a patent application or a patent shall be sent to the postal address in the territory of the Grand-Duchy of Luxembourg as indicated by the owner of the patent application or of the patent, or by his representative.

2. The notices which start periods of time limit shall be made by registered mail. The event which starts the period shall be constituted by the date when the registered mail is posted in accordance with Article 90, paragraph

2 of the Law.

## **TITLE II REQUEST FOR GRANT OF PATENT**

### **Art. 5. Form and Content of the Request for Grant**

1. The request for grant of the patent, referred to in Article 19, paragraph 1, letter (a) of the Law, must be submitted in triplicate in the form determined by the Service.

2. It should be dated and signed by the applicant or applicants, or by their representative, and should include the following information:

(a) a statement according to which a patent is sought;

(b) the title of the invention, indicating in a clear and concise manner the technical designation of the invention without containing any whimsical appellation;

(c) the name and given name, the designation or corporate name as well as the address of the applicant or applicants;

(d) the name and the business address of the professional representative, if one is retained;

(e) the postal address in the territory of the Grand-Duchy of Luxembourg to which the communications of the Service should be sent;

(f) if it concerns a divisional application, its designation as such, as well as the references to the initial application;

(g) if it concerns a request for grant of a Luxembourgian patent on the basis of an international application, filed under the Patent Cooperation Treaty (PCT), its designation as such, as well as the references to the international application;

(h) if it concerns a request for conversion of an European patent application, its designation as such, as well as the references to the European patent application;

(i) if it concerns a new patent application filed in accordance with Article 14, paragraph 2, letter (b) of the Law, its designation as such, as well as the references to the initial application.

3. The references to the patent application referred to in the preceding paragraph shall be those specified in Article 3, paragraph 4.

4. The Service should be informed of the postal address set forth in paragraph 2, letter (e) within a period of one month following the date of the patent application.



5. The following statements may be inserted in the request for grant, or be submitted as a separate document:

- (a) if a priority is claimed, the declaration of priority in accordance with Article 27, paragraph 1 of the Law;
- (b) if the patent application is filed following the disclosure of the invention at an officially recognized exhibition, in accordance with Article 7, paragraph 1, letter (b) of the Law, the statement to that effect;
- (c) the statement of the applicant concerning the name and the address of the inventor or inventors.

6. If an inventor opposes the disclosure of his identity, the statement of the applicant concerning the designation of the inventor should appear in a separate document. It should be accompanied with the non-mentioning document referred to in Article 13, paragraph 7.

### **TITLE III TECHNICAL DOCUMENTS**

#### **Art. 6. General Provisions Relating to the Presentation of Technical Documents**

1. Description of the invention, claims, drawings and abstract shall constitute the technical documents of the patent application or of the patent.

2. The technical documents should be submitted in triplicate lending themselves to a direct reproduction.

3. They should be submitted on white and durable paper of A4 format (21 cm x 29.7 cm).

4. The sheets of technical documents, of which only one side should be used, are to be presented in the vertical direction. All the sheets should be bound in a way that allows the pages to be easily leafed through and readily separated and bound again.

5. The pages of the technical document should have a blank margin of at least 2.5 cm on the left and a blank margin of at least 2 cm on the other side. However, the plates of drawing should have a minimum margin of 2.5 cm at the top and on the left side, a minimum margin of 1.5 cm on the right side and a minimum margin of 1 cm at the bottom.

6. All the sheets should be numbered consecutively in Arabic numerals. The numbers on the sheets shall be placed in the center page, below the top margin or above the bottom margin of the sheet.

7. The texts should be typewritten or printed. As an exception, symbols or other signs, chemical or mathematical formulas, may be handwritten or drawn. The space between the lines should be 1 ½. The letters should be chosen so that the capital letters can be at least 0.21 cm in height. The writing must be indelible.

8. The description, claims, and abstract must not include drawings. Each of these three parts of the technical documents should begin on a new sheet of paper.

9. The units of weight and measurement must be expressed in the metric system, and temperature in Celsius degrees, and if necessary, in supplementary title as well. As a general rule, only the technical terms, signs, and symbols that are generally accepted within the considered domain should be used. The terminology and the signs must be uniform throughout the technical documents.

10. If, as an exception, one or more sheets are reserved for tables, mathematical or chemical formulas, or figures of drawing, laid out lengthwise, the base of the sheet should be placed on the right side of the sheet in vertical position.

11. Possible additions, deletions, or alterations shall be mentioned and initialed at the bottom of the page by the patent applicant or his representative.

#### **Art. 7. Description**

1. The document containing the description of the invention should have the title "Description" or "Mémoire descriptif". If the application is filed in German, Luxembourgian, or English, the terms to be used shall be, respectively, "Beschreibung", "Beschreiwung", and "Description".

2. It should then:

- (a) repeat the title of the invention in the first line;
- (b) specify the technical domain to which the invention is related;

- (c) indicate the state of prior art, to the extent known to the applicant, by quoting documents, if need be;
- (d) explain the invention, as characterized in the claims, in the form of a solution to a technological problem, if necessary, indicating the advantage provided by that solution;
- (e) briefly describe the figures of drawing, if there is any;
- (f) indicate in detail at least one mode of carrying out the invention, incorporating examples or commentary references to the drawings;
- (g) explain the way by which the invention is susceptible of an industrial application, to the extent that this is not apparent from the description or from the nature of the invention.

3. The pages of a copy of the description shall be initialed by the applicant or his representative. The last page must have the complete signature. However, the head of the Service may dispense with the accomplishment of these formalities.

#### **Art. 8. Claims**

1. The document containing the claim or claims should have the title "Revendication" or "Revendications". If the application is filed in German, Luxembourgian, or English, the terms to be used shall be, respectively, "Patentansprüche", "Patentuspröch", and "Claims".

2. Unless absolutely necessary, the claims may not have references to the description or to the drawings.

3. The reference signs which, in the drawings, refer to the technical characteristics of the invention may be repeated, in parentheses, in the other parts of the technical documents, and particularly in the claims, if it facilitates understanding. They shall not have the effect of limiting the claims.

4. The claims must be numbered consecutively in Arabic numerals.

5. Subject to Article 21 of the Law, a patent application may contain more than one independent claims of the same category (product, process, device, means, use), if the subject matter of the invention cannot be covered in an appropriate fashion by a single claim.

6. Any claim, known as dependent claim, which contains all the technical characteristics of another claim, must include, in the introductory part

if possible, a reference to that other claim and specify, in its characterizing part, the additional technical characteristics for which the protection is being sought.

7. The translation of claims set forth in Article 19, paragraph 3, letter (a) of the Law must be submitted within a period of one month starting from the date of filing the patent application.

#### **Art. 9. Drawings**

1. The drawings must be executed in black, indelible, well defined lines without color or washing. If cuts are indicated by hatching, these should not hinder the reading of reference signs and guiding signs.

2. The scale of drawings and their graphic execution must be of such a manner that allows photocopies to be distinguished without trouble in all details. If the scale appears in a drawing, it must be represented graphically. Each element of a figure must be represented in proportion to other elements of the same figure.

3. Irrespective of the numbering of the sheets, the different figures must be numbered consecutively in Arabic numerals.

4. The different figures placed on the same sheet must be separated clearly from each other. As an exception, the parts constituting the same figure may be represented on more than one sheet, on the condition that the entire figure can readily be made out by the juxtaposition of the sheet.

5. The numerals, letters and signs of reference appearing in the drawings and referring to the same elements must be uniform throughout the technical documents.

6. The drawings must not contain text. Brief, essential instructions are permitted. These instructions must be written in the language chosen for the drawing-up of the technical documents.

#### **Art. 10. Abstract**

1. The document containing the abstract must have the title "Abrégé". When the application is filed in German, Luxembourgian or English, the terms to be used are, respectively, "Zusammenfassung", "Zësummefassung" or "Abstract".

2. It must then repeat the title of the invention and summarize the disclosure of the invention, in not more than a hundred and fifty words, contained in the description, the claims and the drawings. To that end, the abstract must indicate in an objective and precise fashion and specify the technical domain to which the invention belongs, the essence of the technical problem and of the solution of that problem by the method of the invention, as well as the principal forms of usage to which the invention lends itself.

3. If the sheets of drawings have been supplied in support of the description, the applicant must indicate the number of the figure of drawing which he offers to link with the abstract and attach to that figure "annexed to the abstract".

#### **Art. 11. Microorganisms**

1. If an invention concerning a microbiological process or products obtained by such a process includes the use of a microorganism which is not available to the public and which is not described in the patent application in a manner that allows a person skilled in the art to carry out the invention, it is not deemed to have been disclosed in accordance with the provisions of Article 22 of the Law, unless:

(a) a culture of the microorganism has been deposited, on the date of filing the patent application at the latest, with an authority empowered by ministerial regulation;

(b) the patent application, as filed, contains the relevant information that the applicant has on the characteristics of the microorganism ;

(c) the patent application includes the information of the depositary authority and the deposit number of the culture.

2. The information mentioned in paragraph 1, letter (c) may be given:

(a) within a period of sixteen months starting from the date of deposit, or, if a priority is claimed, starting from the date of priority;

(b) by the date of presentation of a request aiming at an anticipated publication of the patent application in accordance with Article 33, paragraph 1, second subparagraph of the Law.

The time limit that expires first shall apply.

3. Starting from the day when the file is made public for inspection, the deposited culture shall be available to any person who files a request to that effect. It shall become available through delivery of a sample

of the deposited microorganism.

The delivery shall take place only if the petitioner commits himself with regard to the owner of the patent application or of the patent not to give others the deposited culture, or a culture derived from it, and to use the deposited culture or a culture derived from it only for experimental purposes, until the date on which the patent application or the patent ceases to have effect, unless the owner of the patent application or of the patent expressly renounces such a commitment. The commitment to use the culture only for experimental purposes shall not apply insofar as the petitioner uses the culture for exploitation under an obligatory license or ex-officio license.

4. The request mentioned in paragraph 3 shall be sent to the Service in four copies. The Service shall certify upon this request that a patent application stating the deposit of the microorganism has been filed and that the petitioner has the right to the delivery of a sample of that microorganism. After the accomplishment of these formalities, the Service shall forward a copy of the request accompanied with the certification set forth in the preceding sentence to the depositary authority, as well as to the owner of the patent or of the patent application.

5. If the deposited culture ceases to be available, either because it is no longer viable or because the authority of deposit is no longer in a position to deliver its sample, it is not considered to be the interruption of availability on the condition that:

(a) a new deposit of the microorganism is made within a period of three months starting from the date on which the interruption was notified to the owner of the patent application or of the patent, either by the depositary authority or by the Service;

(b) a copy of the receipt regarding the new deposit of the microorganism, accompanied with references to the patent application or to the patent, is sent to the Service within a period of four months starting from the date of the new deposit.

If the interruption results from the non-viability of the culture, the new deposit shall be made with the authority that received the initial deposit; in other cases, it may be made with other empowered authority. A new deposit of the microorganism must be accompanied with a statement signed by the depositing party certifying that the microorganism subjected to the new deposit is the same as the one which was the object of the initial deposit.

**Art. 12. Nucleotides, Amino-acids**

1. When the patent application contains the disclosure of a sequence of nucleotides or of amino-acids, the description must include a list of the sequence drawn up in accordance with the standard prescribed within the scope of the Munich Convention on the grant of European patents or of the Patent Cooperation Treaty.

2. If a list of sequences is filed or corrected after the date of filing, the applicant must submit a declaration which states that the list of sequences that is filed or corrected does not contain such elements extending beyond the contents of the application that have been filed.

3. A list of sequences submitted after the date of filing shall not be a part of the description.

**TITLE IV VARIOUS DOCUMENTS SUBMITTED TO SUPPORT PATENT APPLICATION**

**Art. 13. Designation of the Inventor**

1. The designation of the inventor, referred to in Article 19, paragraph 3, letter (c) of the Law, may be made in the request for grant of the patent, or in a separate document containing the name and the address of the inventor or, if there are more than one inventor, of each of them.

2. The Service does not verify the accuracy of the designation of the inventor.

3. The person or persons designated as inventors shall be mentioned in that capacity in the title of the patent and in the publications in the Mémorial, except in the case referred to in paragraph 7.

4. The designation of an additional inventor must be made by a written statement of the owner of the patent application or of the patent, or of his representative.

5. An erroneous designation of the inventor must be corrected at the request of the owner of the patent application or of the patent, or of his representative.

6. A third party may also assert before the Service a judicial decision with res judicata under which the owner of the patent application or of the patent is entitled to be designated as inventor.

7. When the inventor opposes the disclosure of his identity, he must have the patent applicant or his representative as an intermediary, and before the date on which the file of the patent application is made available to the public, send to the Service a demonstration of will, expressed and written to that effect. This document of non-mention, dated and signed by the inventor, must be accompanied with the following documents:

(a) the corresponding designation of the inventor, dated and signed by the owner of the patent application or by his representative, except when this designation is already in the possession of the Service, or, if need be, the judicial decision concerning the designation;

(b) the proof of payment of the regularization fee, except when the document of non-mention and the corresponding designation are attached to the original documents filed with the patent application.

8. The communication relating to the correction of designation in accordance with paragraphs 4, 5 or 6 must be accompanied with the statement of the owner of the patent application or of the patent, or of his representative, or with the judicial decision, referred to in the related paragraphs, as well as the proof of payment of the publication fee. The publication fee shall not be due if the inventor opposes the disclosure of his identity.

#### **Art. 14. Declaration of Priority and Priority Documents**

1. The declaration of priority referred to in Article 27, paragraph 1 of the Law may be made in the request for grant of patent or in a separate document, and must contain the following information:

(a) the number and the date when the prior application was filed;

(b) the country in which or for which the prior filing is made;

(c) the national, regional, or international administration acting in the capacity of receiving office at the time of the filing of the prior application, when it is a matter of regional or international application;

(d) the name of the original applicant of the prior application.

2. The declaration of priority must be submitted within a period of four months starting from the date of filing, extendible by two months, or at the latest by the date on which the file of the patent application is made public at the request of the applicant in accordance with Article 33, paragraph 1, subparagraph 2 of the Law, when this date precedes the date of expiration of the first time limit.



3. The copy of the prior application referred to in Article 27, paragraph 1 of the Law must be accompanied with a certificate of the administration which has received the prior application indicating the date on which the prior application was filed. The copy and the certificate must be submitted within the same time limit as the declaration of priority.

4. In the case where the applicant of the patent for which priority is claimed is not identical with the applicant of the prior application, the declaration of priority must be accompanied with a document of transfer of the right of priority.

5. The information contained in the declaration of priority shall be entered in the Register, mentioned in the title of the patent and made public in the Mémorial.

6. The applicant of a divisional application must submit a new declaration of priority.

7. The provisions of the present article shall also be applicable to the claim of multiple priorities referred to in Article 27, paragraph 2 of the Law.

#### **Art. 15. Certificate of Exhibition**

1. The declaration of the applicant concerning the claim of immunity deriving from an exhibition, such as the one referred to in Article 7, paragraph 2 of the Law, must indicate:

- (a) the official title of the exhibition;
- (b) the place where the exhibition was held;
- (c) the dates on which the exhibition was opened and closed;
- (d) the name and the address of the organizer.

2. The applicant must attach to the above-mentioned declaration a certificate issued by the competent authority, according to which the invention is certified to have been actually displayed. The certificate must expressly mention the date of the opening of the exhibition and the date of the first disclosure of the invention, if these two dates do not coincide with each other. The certificate must be accompanied with a document, authenticated by the above-mentioned authority, allowing the invention to be identified.

3. The certificate of the exhibition must be submitted within a period of four months running from the date of filing the patent application.

4. The information contained in the above-mentioned declaration shall be entered in the Register, mentioned in the title of the invention, and made public in the Mémorial.

**TITLE V PROCEDURE PROVIDED FOR WHEN THE OWNER OF THE PATENT APPLICATION IS NOT AN AUTHORIZED PERSON**

**Art. 16. Suspension of the Procedure**

1. At the request of any third party who furnishes any proof that he has instituted an action claiming the ownership of the patent application, the Service shall suspend the procedure of grant, unless this party consents that the procedure be continued. This consent, which is irrevocable, must be given by a written statement. The suspension of the procedure nonetheless may not take place before the file of the patent application is made public.

2. After any party furnishes the Service with the proof that a judicial decision with res judicata took place in the proceedings claiming the ownership of the patent application, the Service shall notify the applicant and other interested parties that the procedure of grant shall be reopened starting from the date fixed in the notification, unless a new patent application is filed or the initial patent application is rejected in accordance with Article 14, paragraph 2, letter (b) and (c) of the Law, respectively. If the third party has won the case, the procedure may be reopened only after the expiration of a time limit of three months after the judicial decision with res judicata has been passed, unless that third party requests the continuation of the procedure.

3. The suspension of the procedure entails the current time limit, except for those that apply to the payment of annual fees.

4. When the person to whom the patent is entitled by a judicial decision with res judicata files a new patent application in accordance with Article 14, paragraph 2, letter (b) of the Law, it must make reference to the initial patent application and submit to the Service a certified copy true to the judicial decision in question. If the new patent application is written in different terms, it must not have a scope exceeding that

of the initial patent application. Starting from the day when the new patent application is filed, the initial patent application shall be deemed withdrawn.

5. If a judicial decision with *res judicata* acknowledged the right to the patent to a third person for only a part of the subject matter of the patent application, Article 14, paragraph 2, letter (b) of the Law as well as paragraph 4 of the present article shall apply in that concerns the part involved.

6. When the person to whom the right to the patent was acknowledged by a judicial decision with *res judicata* seeks the rejection of the initial patent application in accordance with Article 14, paragraph 2, letter (c) of the Law, he must submit to the Service a request to that effect, accompanied with certified copy true to the judicial decision in question, a copy of letters sent by registered mail to the beneficiaries of a license or of a real or personal right entered in the Register, informing them of the imminent rejection, as well as a copy of the receipt of the registered mail.

## **TITLE VI REPRESENTATION**

### **Art. 17. Register of Professional Representatives**

1. Any application by a natural person for entry in the Register of professional representatives must be accompanied with the following documents:

(a) a certified copy true to the currently valid permit of his establishment, issued by the competent ministry;

(b) a certificate of his recent residence, issued by the burgomaster.

2. The deletion of the entry of a person from the Register of professional representatives may be requested by any authority or the third person, or by the registered person himself. This deletion may be of temporary character (suspension) or of permanent character (removal).

3. The entry may be deleted following the reception of one of the documents below:

(a) a certificate attesting the death or incapacity of the professional representative;

(b) a document as a result of which the professional representative no longer has a domicile or the place of his employment in the Grand-Duchy of Luxembourg;

(c) a document as a result of which the permission to exercise the profession of industrial property attorney was withdrawn or suspended, or expired or terminated for other reasons;

(d) a communication stating that the professional representative abandons, provisionally or definitely, his professional activities.

4. In the case where the Service receives from an authority or from a third party a request for deletion based on one of the documents referred to in paragraph 3, Letters (b) and (c), it shall notify the person concerned. This person may take a stand within a period of two months starting from the notification from the Service. The decision to delete or not to delete shall be made following the expiration of that period.

5. A mention of entries, deletions, amendments and corrections entered in the Register of professional representatives shall be made public in the Mémorial.

## **TITLE VII PROCEDURES LINKED TO THE EXECUTION OF DOCUMENTARY SEARCH**

### **Art. 18. Documentary Search**

1. In order to complete the formalities referred to in Article 35, paragraph 1, letter (a) and Article 36 of the Law, the parties concerned shall be required to submit to the Service a request for drawing up a search report on a patent application which they designate.

2. In order to complete the formalities referred to in Article 35, paragraph 1, letter (b) or (c) of the Law, the owner of the patent application shall be required to submit to the Service a request for validation of the search report or reports on his patent application.

3. The requests referred to in paragraphs 1 and 2 must be filed in triplicate in the form determined by the Service and must contain the following information:

(a) the name and the address of the requesting party;

(b) the name and the address of the representative, where applicable;

(c) the number and the date of filing as well as the name of the owner of the patent application.

4. The request referred to in paragraph 1 must furthermore contain the mentions and specifications defined in Article 35, paragraph 6, the last sentence of the Law, and must be accompanied with the following documents:

- (a) a copy of the technical documents of the patent application for which the search is requested, in their most recent version, or a request for the preparation of the said copy by the Service;
- (b) the documents submitted as need be by the owner of the patent application, in accordance with Article 35, paragraph 6, the last sentence of the Law;
- (c) the proof of payment of the search fee and related fees.

5. The request referred to in paragraph 2 must further contain, for each search report to be validated, the following information:

- (a) the name and the place of the headquarters of the body having carried out the search report or reports;
- (b) the country, the number and the date of filing the national, regional or international patent application or applications, which are the basis of documentary searches;
- (c) where applicable, the country, number and dates of priority rights claimed for each of the above mentioned applications.

6. The request referred to in paragraph 2 must be accompanied with the following documents:

- (a) a copy of the search report or reports concerned;
- (b) a copy of the national or regional patent applications, which are the basis of the search reports concerned, unless it concerns a Luxembourgian or European patent application.

7. The Service may require that the copy of the search report concerned, referred to in the preceding paragraph, letter (a), be certified true by the body having carried out the documentary search or bear the impression of the stamp of that body. The submission of the documents referred to in the preceding paragraph, letter (b) is not required if the documents are already accompanied with the declaration of priority.

8. However, the head of the Service may dispense with some of the conditions stipulated in paragraphs 3 to 6.

9. The reception of a request for drawing up the search report coming from a third party shall be notified to the owner of the patent application.

10. The search report drawn up by the body in charge of documentary search and based directly on the content of a Luxembourgian patent application shall be notified to the owner of this patent application and, if necessary, to the party having filed the request for drawing up the search report.

**Art. 19. Procedure of Regularization Regarding Documentary Search**

1. The request for drawing up the search report shall be rejected if the conditions of the preceding article are not satisfied by the date of expiration of the period of regularization, if there is already a request filed by a third party on the basis of Article 36 of the Law, or if the technical preparations leading to the grant of the patent have been initiated after the validation of one or more search reports satisfying the conditions of Article 35, paragraph 1, letters (b) or (c) of the Law.

2. If the request for drawing up or for the validation of a search report makes errors as of the date of its reception, it must be corrected within a period of four months. In default of correction, the request shall be rejected.

3. The search fee paid for the title of a rejected request shall be reimbursed.

**TITLE VIII PROCEDURE LINKED TO THE GRANTING OF THE LEGAL PROTECTION**

**Art. 20. Amendment**

1. The accomplishment of the formalities referred to in Article 37 of the Law shall be subject to the filing of a request for making amendment to the technical documents of the patent application or to the wording of the title of the invention.

2. The title of the invention, as amended, must be written down in the form of one page of an entirely new cover, made in triplicate.

3. The other amendments made to the technical documents must be given as a replacement sheet or as entirely new, newly paged documents, drawn up in triplicate. The Service may require that the requesting party submit a succinct note attracting attention to the differences between the previously filed version and the amended version of the technical documents.

#### **Art. 21. Grant of the Patent**

1. The title constituting the patent of invention shall contain:

- (a) the indication of the title of the invention;
- (b) the name of the owner or owners, and, where applicable, their representative;
- (c) the name of the inventor or inventors, unless the inventor or inventors opposes the disclosure of their identity;
- (d) the indication of the date of filing, the date of publication, and the date of the grant of the patent;
- (e) where applicable, a mention of the rights of priority;
- (f) where applicable, the data relating to the immunity deriving from the exhibition;
- (g) the indication of the international classes.

2. A copy of the technical documents in their most recent version shall be appended to the title constituting the patent of invention.

#### **Art. 22. Declaration of Withdrawal and Renunciation**

1. The accomplishment of the formalities referred to in Article 32 of the Law shall be subject to the filing of a request, coming from the owner of the patent application or of the patent, or from his representative, for the purpose of obtaining the entry into the Register, either of the declaration of withdrawing the patent application or the declaration of renouncing the patent or some of the claims of the patent.

2. The request referred to in paragraph 1 must be countersigned by any person who benefit from a real right entered in the Register. The request must also be countersigned by the persons entered in the Register in accordance with Article 14, paragraph 1 of the Law, if it concerns a patent application, and by the persons entered in the register in accordance with Article 15, paragraph 4 of the Law, if it concerns a patent. This countersignature may be substituted by a dated and signed document, accompanying the request, which states that the persons concerned shall consent to the entry of the withdrawal or of the total or partial renunciation in the Register.

3. The entry of the declaration of partial renunciation of a patent in the Register shall entail the loss of rights attached to the claim or claims that is renounced. These claims must be designated by the owner of the patent in the declaration of partial renunciation. The technical

documents shall not be allowed to be adapted. The Service shall attach a copy of the request to any copy of the patent it grants after the entry of the partial renunciation.

4. The request referred to in paragraph 1 shall be entered in the Register effective on the date of reception of the request, provided that all the requirements of the Law and its enforcement regulations are satisfied upon that date. If these requirements are not satisfied, the entry shall be postponed until the date of regularization of the request.

## **TITLE IX ABOUT THE MAINTENANCE OF THE REGISTER**

### **Art. 23. Entries, Amendments, and Corrections**

1. Any application for entry, amendment or correction of data in the Register must contain the following:

- (a) a request in duplicate;
- (b) the proof of payment of the fee of entry, in cases where the Law or its enforcement regulations require the payment of such fee;
- (c) the proof of payment of the publication fee, in cases where the Law or its enforcement regulations require the publication in the Mémorial; However, the head of the Service may dispense with the filing of one or more documents referred to in the preceding paragraph.

2. Any application for entry of a transfer of a patent application or of a patent must further be accompanied with a document establishing the transfer.

3. Any application for the entry of a license or of other rights based on a patent or a patent application must be accompanied furthermore with a document establishing the constitution of license and other rights, respectively. In the case of a license, the document must mention whether it concerns an exclusive or non-exclusive license, and whether it concerns a sublicense of a license entered in the Register.

Any application for deletion of a license or of other rights entered in the Register must be accompanied with either a document establishing that the license or other rights are nullified, or a declaration by which the owner of the license or of other such rights consents to the deletion of the entry.

4. The head of the Service may require that a written proof of the entry,



amendment, or correction be also submitted to him in the case where the submission of this proof is not made obligatory by the Law.

**Art. 24. Date When the Entry in the Register Takes Effect**

The entry of the request in the Register and the addition of a document in the file take effect on the date of reception of the request, provided that all the requirements of the Law and its implementation rules are satisfied on that date. If these requirements are not satisfied, the entry shall be postponed till the date when the request is regularized.

**TITLE X PUBLIC INSPECTION AND OFFICIAL PUBLICATION**

**Art. 25. Consultation of the Register**

The Register may be consulted free of charge by the public within the offices of the Service. At the request of any interested party, and in exchange of payment of a fee, the Service shall provide certificates concerning the status of the patent application or of the patent, or the state of payment of the annual fees.

**Art. 26. Publication in the Mémorial**

Published in the Mémorial are the mentions concerning:

- (a) the disposal for the public inspection of the file of the patent application, and the decision of granting or rejecting the patent;
- (b) any transfer and any constitution of license or other real rights based on a patent application or a patent;
- (c) all the acts whose publication is set forth by the Law.

**TITLE XI SUPPLEMENTARY PROTECTION CERTIFICATES**

**Art. 27. Filing of the Application for Supplementary Protection Certificate**

1. Any application for the supplementary protection certificate, formulated on the basis of the Regulations (CEE) No. 1768/92 of the Council of June 18, 1992, concerning the creation of a supplementary protection certificate for medicine, must be submitted in duplicate in the form determined by the Service.

2. Any certificate application and the resultant certificate may be based only on a single base patent. Multiple certificates shall be granted on one and the same product only if they are based each time on a different

base patent.

3. One and the same base patent protecting more than one product, substances, compositions, applications or processes may cause the grant of multiple certificates.

4. The Service shall not verify if the conditions of obtaining the certificate stipulated in Article 3, letters (c) and (d) of the Regulations (CEE) No. 1768/92 are satisfied.

5. The certificate application must contain the following information:

(a) the name and given name, the appellation or the corporate name as well as the address of the applicant or applicants;

(b) the name and the business address of the professional representative, where applicable;

(c) the number of the base patent, as well as the title of the invention;

(d) the number and the date of the first authorization by Luxembourg or by the Community to market the product;

(e) if necessary, the number and the date of the first national authorization to market the product granted in the territory of the Community;

(f) the appellation of the product appearing on the copy of the first authorization by Luxembourg or by the Community and, if necessary, on the first national authorization to market the product granted in the territory of the Community;

(g) if necessary, the indication of the legal provision in accordance with which the first national authorization to market the product was granted in the territory of the Community;

(h) the date of the legal term of the supplementary protection certificate, calculated in accordance with Article 13 of the Regulations (CEE) No. 1768/92.

6. The certificate application must be accompanied with the following documents;

(a) a copy of the first authorization by Luxembourg to market the product as medicine, or a copy of the notice of its publication in the Mémorial or in the official journal of the Community;

(b) the abstract of the characteristics of the product, if it does not already appear in the copy of the authorization;

(c) a copy of the first national authorization to market the product granted

in the territory of the Community, or a copy of the notice of its publication in the official journal of the Community or of the member state concerned, if this authorization does not meet with the first authorization by Luxembourg;

(d) the proof of payment of the filing fee and the publication fee.

7. Unless otherwise or especially provided, the general rules relating to the form of the documents and the administrative procedure applicable to patents shall apply to the certificate application and the certificate.

**Art. 28. Procedure of Granting the Supplementary Protection Certificate**

1. Any irregularity discovered by the applicant or pointed out by the Service must be corrected within a period of four months starting from the filing of the certificate application on pain of rejection of the application.

2. After having received all the documents and information that the certificate application must contain, the Service shall grant to the applicant the supplementary protection certificate in the form of a ministerial order. The grant shall be given in two months at the earliest after the filing of the application for certificate.

3. The file of the certificate application shall be made available to the public within the Service starting from the day of granting the certificate.

4. A notice concerning the grant of the certificate or the rejection of the certificate application shall be published in the Mémorial.

5. Any notification of the election of domicile with or without retaining of representative, made with regard to the base patent application or to the base patent shall be valid for the certificate application or corresponding certificate, unless otherwise provided.

**Art. 29. Entry in the Register of Supplementary Protection Certificate**

1. The certificate application shall be entered in the Register in the same title as the patent application. The entry shall contain, in particular, the designation of the certificate application as such, as well as the references to the base patent.

2. In the case where the information of the certificate applicant does

not correspond with the entry as to the owner of the base patent, concerning the person, the name or the address of the owner, the applicant must restore the agreement by submitting a statement of amendment or of correction of the erroneous data within a period of four months starting from the filing of the application on pain penalty of rejection of the application.

3. Any statement relating to the amendment or correction of any information concerning the person, the name or the address of the owner of the base patent must be expressly extended to the certificate applications and corresponding certificates, and, conversely, on pain of rejection of the request for the entry of this amendment or correction.

## **TITLE XII FINAL PROVISIONS**

### **Art. 30. Repeal Provisions**

Subject to the transitional provisions of Articles 96 and 98 of the Law, the following shall be repealed:

1. the order of September 22, 1922, adopted in compliance with the law of April 27, 1922, as well as the Grand-Ducal order of June 16, 1922, concerning the accession of the Grand-Duchy of Luxembourg to the International Union for the Protection of Industrial Property;
2. the ministerial order of November 9, 1945, concerning the administrative procedure regarding patents of invention, in execution of the law of June 30, 1880, and the Grand-Ducal order of October 13, 1945, amended by the ministerial orders of January 17, 1946, of November 7, 1946, and of January 5, 1951, as well as by the Grand-Ducal regulation of March 7, 1977, of December 24, 1985, and of December 28, 1989;
3. the Grand-Ducal order of June 21, 1947, concerning the extension of the time limit and the restoration of the rights with regard to industrial property;
4. all provisions contrary to the present regulation.

### **Art. 31. Entry into Force of the Law**

Articles 1 to 101 of the law of July 20, 1992, concerning the reform of the system of the patent of invention, shall enter into force on the same day as the present regulation and the Regulation relating to the fees.

### **Art. 32. Entry into Force**

The present regulation shall enter into force on January 1, 1998.

**Art. 33. Enforcement and Publication**

Our Minister of Economy shall be in charge of the enforcement of the present regulation, which shall be published in the Mémorial.

## [2] Regulation Fixing the Fees and Remuneration to be Collected

### CHAPTER I DEFINITIONS

#### Art. 1.

For the purpose of this regulation:

- "Law" means the law of July 20, 1992, amending the system of patents of invention;
- "Certificate" means the supplementary protection certificate for medicine, as created by the Regulations (CEE) No. 1768/92 of the Council of June 18, 1992;
- "Service" means the National Intellectual Property Service, acting in compliance of the Paris Convention and of the national legislation on patents;
- "Register" means the patent register maintained by the Service;

### CHAPTER II FILING FEE AND FEE OF ANTICIPATED PUBLICATION

#### Art. 2.

A filing fee of 600 francs and a fee of publication in the Mémorial shall be collected for each patent application and for each application for supplementary protection certificate.

#### Art. 3.

The request referred to in Article 33, paragraph 1, second subparagraph of the Law causes payment of a fee of anticipated publication of 300 francs.

#### Art. 4.

The grant of a patent shall cause the payment of the fee for the publication in the Mémorial.

### CHAPTER III ANNUAL FEES FOR PATENTS OF INVENTION

#### Art. 5.

The amounts of annual fee to be collected for the title of a Luxembourgian or European patent, or of a Luxembourgian or international patent application are fixed as follows:

1st year	800 francs
2nd year	1000 francs
3rd year	1200 francs
4th year	1500 francs
5th year	1900 francs
6th year	2400 francs
7th year	3000 francs
8th year	3600 francs
9th year	4200 francs
10th year	4800 francs
11th year	5400 francs
12th year	6000 francs
13th year	6600 francs
14th year	7200 francs
15th year	7800 francs
16th year	8400 francs
17th year	9000 francs
18th year	9600 francs
19th year	10300 francs
20th year	11000 francs

**Art. 6.**

The annual fees shall be due in advance for the year of validity that have started or starting. The first annual fee must be paid in one month, at the latest, after the filing of patent application. The subsequent annual fees shall be due, each time, on the last day of the month that includes the anniversary date of filing the patent application.

**Art. 7.**

The annual fees shall be payable at the rate in force on the date of payment and may not be validly paid more than one year in advance of the date of payment.

Considered as the date of payment shall be:

- (a) the date of the delivery in cash of the amount of the fee to the hands of the competent recipient;
- (b) the date on which the amount of the payment, of the credit transfer, or of the money order is credited to the ordinary postal or bank account of the said recipient; or
- (c) the date of receipt by the said recipient of a check or a money order covering the amount of the fee, subject to the cashing of that amount.

**Art. 8.**

For the purpose of Article 67, paragraph 2 of the Law, the additional charge shall be deemed to have been made an object of a simultaneous payment when it is paid within the grace period set forth by the said provision.

**Art. 9.**

The amount of the additional charge due in case of delay in the payment of an annual fee shall be fixed at 600 francs.

**Art. 10.**

The annual fees which fell due before the filing of the divisional application or of the new patent application filed in accordance with Article 14, paragraph 2 of the Law must be paid in one month after the filing at the latest. An additional charge shall not be imposed. The fees for filing and for publication are to be paid within the same time limit. After the expiration of this time limit, the general provisions relating to the payments which were not effected on the due date shall apply.

**Art. 11.**

The annual fees which have become due within a period of two months starting from the publication of the notice of grant of an European patent in accordance with Article 98 of the European Patent Convention, signed in Munich on October 5, 1973, are to be paid within this time limit. An additional charge shall not be imposed. After the expiration of this time limit, the general provisions relating to the payments which were not effected on the due date shall apply.

**Art. 12.**

The annual fees which fell due before the filing of the request for conversion of an European patent application must be paid within the time limit set forth by the Law of approbation of the Munich Convention on the grant of European patents. An additional charge shall not be imposed. The fee for filing and for publication of the converted application are to be paid within the same time limit. After the expiration of this time limit, the general provisions relating to the payments which were not effected on the due date shall apply.

**Art. 13.**

The annual fee which fell due before the date of expiration of the time limit set forth in Articles 22 and 39 of the Patent Cooperation Treaty, signed in Washington on June 19, 1970, must still be paid within a period of one month starting from the expiration of this time limit. An additional charge shall not be imposed. The fees for filing and for publication



are to be paid within the same time limit. After the expiration of this time limit, the general provisions relating to the payments which were not effected on the due date shall apply.

**Art. 14.**

When, in the course of the six months following the entry into force of a regulation concerning the increase of the annual fees, the amount payable before this increase was paid on the due date, the remainder representing the difference between the old and the new amount of the annual fee may still be paid before the passing of the grace period set forth by the Law. An additional charge shall not be imposed.

**Art. 15.**

Notwithstanding the expiration of the grace period set forth by the Law, the additional charges are due in the case of restoration of the legal protection by individual decision.

**CHAPTER IV ANNUAL FEES FOR SUPPLEMENTARY PROTECTION CERTIFICATES**

**Art. 16.**

The annual fees paid to the title of a base patent is also applicable to the valid maintenance of the exclusive rights deriving from the applications for a supplementary protection certificate and the supplementary protection certificates which is tied to it.

**Art. 17.**

At the expiration of the twentieth year of validity of the base patent, each of the supplementary protection certificates which is tied to it shall give rise to the payment of annual fees for valid maintenance during the period which corresponds to the supplementary duration of protection of this certificate.

**Art. 18.**

The annual fees due for the valid maintenance of the certificate shall fall due on the last day of the month that includes the anniversary date of the filing of the base patent application, with the first annual fee falling due on the last day of the month of the twentieth anniversary of the filing of the base patent application.

**Art. 19.**

The conditions and the methods of payment of the annual fees for the valid

maintenance of a certificate shall be the same as those applicable to the payment of the annual fees due for the maintenance of a patent.

**Art. 20.**

Notwithstanding Article 19, the annual fees due for the maintenance of a supplementary protection certificate may be paid, even cumulatively, from the last day of the month of the nineteenth anniversary of the filing of the base patent application. Any payment before this shall be inadmissible.

**Art. 21.**

The amount of the annual fee related to each of the year of the certificate's validity shall be fixed at the amount of the 20th annual fee of the base patent. It is the same for the amount of the additional charge due in case of late payment. Any fraction of one year shall be counted as one whole year.

**CHAPTER V ANNUAL FEES UNDER THE SYSTEM OF THE EX-OFFICIO LICENSE AND LICENSE OF RIGHT**

**Art. 22.**

In the case of entry of an ex-officio license referred to in Article 63 of the Law or of a declaration such as those referred to in Article 56 of the Law, the annual fees due for the title of the patent application, of the patent and of the supplementary protection certificate shall be reduced by 50 percent and, if it concerns an European patent, by 25 percent, without the amount of the annual fee being able to be less than the minimum amount unpaid at the European Patent Office.

**CHAPTER VI SEARCH FEE**

**Art. 23.**

The filing of a request for drawing up the search report shall give rise to the payment of a search fee to be paid by the requesting party to the hands of the competent recipient.

**Art. 24.**

In the case where the request for drawing up the search report is filed by the owner of the patent application in accordance with Article 35 of the Law, or on his behalf by a representative, the amount of the search fee shall correspond to the exchange value in Luxembourgian francs of the rate determined by the body in charge of drawing up the search report.

However, this amount may not exceed 36,000 francs.

**Art. 25.**

In the case where the request for drawing up the search report is filed by a third party in accordance with Article 36 of the Law, the amount of the search fee shall correspond to the exchange value in Luxembourgian francs of the rate determined by the body in charge of drawing up the search report.

**CHAPTER VII FEES IN RELATION TO THE AMENDMENT, TRANSLATION AND FORWARDING OF THE TECHNICAL DOCUMENTS**

**Art. 26.**

The amendment made at the initiative of the owner of a patent application to the title of the invention, description, claims, drawings or abstract in compliance of Article 37 of the Law shall give rise to the payment of a fee of 300 francs.

**Art. 27.**

The amendments which are made to the technical documents of an international application such as those filed or amended in accordance with Article 19 of the Patent Cooperation Treaty, and which are based on Article 28 or 41 of the above-mentioned treaty, shall cause the payment of a fee of 300 francs.

**Art. 28.**

A fee of 600 francs shall be paid for each filing of a translation of claims of the European patent application, submitted to the Service in compliance with Article 67, paragraph 3, letter (a) of the European Patent Convention. It is the same when it concerns a revised translation of the claims.

**Art. 29.**

A fee of 600 francs shall be paid for each filing of a translation of the international patent application made available to the public for inspection in compliance with Article 29, paragraph 2 (ii) of the Patent Cooperation Treaty. It is the same for a revised translation.

**Art. 30.**

A forwarding fee of 800 francs shall be paid for each international patent application, received by the Service in its capacity as receiving office,

prior to the forwarding of this application to the European Patent Office in compliance with Article 77 of the Convention on the Grant of European Patents. This fee shall be due on the date of reception of the European patent application.

**Art. 31.**

A forwarding fee of 800 francs shall be paid for each international application of patent of invention, received by the Service in its capacity as receiving office, to be forwarded to the International Bureau of the World Intellectual Property Organization and to the administration in charge of the international search in compliance of Article 12 of the Patent Cooperation Treaty. This fee is due on the day of receiving the international patent application. The fee must be paid at the latest by the expiration of the time limit set forth for the payment of the base fee constituting the international fee.

**CHAPTER VIII REGISTRATION FEE AND RESTORATION FEE**

**Art. 32.**

The amount of fee for entry in the Register set forth in Article 53, paragraph 3 of the Law and Article 66, paragraph 1 of the Law shall be fixed at 300 francs per patent or patent application.

**Art. 33.**

The restoration by individual decision shall give rise to the payment of a restoration fee of 600 francs and the fee for publication in the Mémorial. These fees shall be due upon the advice of the Service and must be paid within a period of one month starting from the advice of the Service.

**CHAPTER IX PUBLICATION FEE**

**Art. 34.**

The publication of a notice of an act, an event, or a request in the Mémorial, official journal of the State, administrative and economic compendium shall cause the payment of a publication fee, in all the cases where the publication is set forth by the Law or its enforcement regulations.

**Art. 35.**

The amount of the publication fee shall be those which is determined by the Grand-Ducal regulation concerning the collection of expenses for

publication in the Mémorial, administrative and economic compendium.

**Art. 36.**

The publication fees shall be due on the same date as the fees for corresponding procedure and payable at the rate in force on the due date.

**CHAPTER X REGULARIZATION FEE**

**Art. 37.**

Each accomplishment of formalities of regularization in relation to the filing of a patent application, the filing of a divisional application, the filing of a new patent application under Article 14, paragraph 2 of the Law, the filing of a request for drawing up or for the validation of the search report, the filing of a request for undertaking a procedure of grant of Luxembourgian patent on the basis of an international application, the filing of a request for conversion of an European patent application, the filing of an application for supplementary protection certificate, as well as the filing of a request for satisfying the conditions relating to the representation set forth in Article 83, paragraphs 2 to 4 of the Law, to which it is carried out after the filing of the initial corresponding request, shall cause the payment of a regularization fee.

**Art. 38.**

The amount of the regularization fee referred to in the preceding article shall be fixed at 200 francs per operation and per patent application or certificate application.

**CHAPTER XI REMUNERATION AND VARIOUS CLAIMS**

**Art. 39.**

Upon request, the Service shall issue written certificates relating to the bibliographic data or to the legal state of patent applications or of patents, or of certificate applications or of certificates. The said certificates shall cause the payment of a fee of 300 francs per document.

**Art. 40.**

Upon request, the Service shall draw up lists of patent applications, patents or certificates selected in accordance with certain bibliographic or legal characteristics. These works are subjected to the payment of a fee of 300 francs per request.

However, when these lists must be drawn up with the help of computer terminals

giving access to the external data base, the fee shall be augmented by an amount calculated on the basis of the rate required by the use of the said data base and the time of connection.

**Art. 41.**

The interested party who carries out the search themselves in the computer or manual registers of the Service or in the publications of international organizations shall have no fee to pay.

However, when the search is carried out from a computer terminal giving access to the external data base, the reimbursement of incurred cost shall be calculated on the basis of the rate required by the use of the said data base and the time of connection.

**Art. 42.**

Upon request, the Service shall issue the photocopies of the Luxembourgian patents and certificates, of the documents annexed to the files and, in general, of any document or publication available to the public within the Service. The issuance of these copies shall cause the payment of a fee of 20 francs per page.

**Art. 43.**

At the request of the interested party, the photocopies of the patents and certificates and the photocopies of the documents annexed to the files shall be certified as true to their original by the Service. The said formality shall be subject to the payment of a fee of 300 francs per certified copy.

**Art. 44.**

The publications of the Service in the Mémorial shall be sold to individuals at the price of 200 francs per issue.

**Art. 45.**

The parcels from the Service shall enjoy postage-free status with the exception of those which are sent by express or by air. A supplementary fee of 10 francs per page of document will be asked in this case.

**CHAPTER XII METHOD OF PAYMENT**

**Art. 46.**

The fees, additional charges, remuneration and dues payable by application of the present regulation shall be paid to the hands of the competent

recipient of the Administration of Registration and Property, in Luxembourg.

**Art. 47.**

The fees of procedure and of publication shall be payable at the rate in force on the date of receipt of the request, declaration or communication, based on which the fees are due.

**Art. 48.**

Unless otherwise or especially provided by the Law or its enforcement regulations, the payment of the fees of procedure and publication shall be made in advance and at the latest on the date of the filing with the Service of the request, the declaration or the communication based on which the fees are due.

**Art. 49.**

Unless the payment of the fee of procedure and of the fee of publication was acknowledged by the competent recipient, the payment of the fees shall be deemed null.

**Art. 50.**

The date of the proof of the payment must not be prior to more than one year from the date of receipt by the Service of the request, the declaration or the communication, to which the payment refers. In the contrary case, the payment shall be deemed null.

**Art. 51.**

The remunerations and various fees, as well as the regularization fees, are to be paid upon seeing a bill from the Service.

**Art. 52.**

Any payment must include the information on the name and the address of the person who makes it, as well as the necessary data allowing an easy identification of the purpose of the payment.

(a) In the case of an operation relating to a patent application, a patent, a certificate application or certificate, these data shall be composed of:

- if it concerns a Luxembourgian patent or a certificate: the filing number;
- if it concerns an European or international patent: the more recent between the filing number and publication number;

- the filing date of the application for patent or certificate;
- the name of the owner;
- a reference to the nature of the operation in question;
- the amount of the fee or the fees.

(b) In the case of a payment of annual fee, these data must be composed of:

- the patent year for which the fee is due;
- the elements referred to under (a) above.

(c) In the case of a payment of a bill of the Service, the data shall be composed of the number and the date of the issuance of the bill as well as the name of the issuer of the bill.

**Art. 53.**

When the object of the payment cannot be identified or when it results from the entry in the Register that a preceding annual fee was not paid, the Service may arrange the reimbursement of the sum concerned. This reimbursement may take place after six months starting from the second unsuccessful notice sent to the interested party at the earliest.

**Art. 54.**

The indication of the postal address, referred to in Article 68, first paragraph of the Law, must be made on the first day of the due date of the first annual payment set forth in Article 5 of the present regulation at the latest.

**CHAPTER XIII FINAL PROVISIONS**

**Art. 55.**

Subject to the transitional provisions shown in Articles 96 and 98 of the Law, the following shall be repealed:

1. the Grand-Ducal regulation of December 16, 1980, concerning the fixation of new scale of various fees and additional charges referred to by the Grand-Ducal order of October 13, 1945, aiming at amending and completing the legislation on the patents of invention, as amended by the Grand-Ducal regulation of December 24, 1982, of December 24, 1985, and of December 28, 1989;



2. Article 2, Article 5, paragraph 3, and Article 10, paragraph 1 of the Grand-Ducal regulation of May 25, 1978, adopted in execution of the law of May 27, 1977, concerning a) approbation of the Patent Cooperation Treaty, made in Washington on June 19, 1970, b) adaptation of the national legislation with regard to patents;

3. Article 1, second sentence, and Article 2, paragraph 3 of the Grand-Ducal regulation of May 9, 1978, adopted in execution of the law of May 27, 1977 concerning a) approbation of the European Patent Convention, signed in Munich on October 5, 1973, b) adaptation of the national legislation with regard to patents;

4. all provisions contrary to the present regulation.

**Art. 56.**

The present regulation will enter into force on January 1, 1998.  
The Law will enter into force on the same day.

**Art. 57.**

Our Minister of Economy, our Minister of State and our Minister of Finance, each in what he concerns, shall be in charge of the enforcement of the present regulation, which shall be published in the Mémorial.