

**NETHERLANDS**  
**Patent Regulations**  
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## **Section 1. Definition of Terms**

### **Article 1**

In this regulation, the following terms shall be defined as follows:

act: 1995 Patent Act;

decree: 1995 Patent Act Implementation Regulation;

statement: any application for the granting of a patent or any request, any notice, any document, any correspondence or other information with regard to a patent application, regardless of whether or not this relates to a procedure pursuant to the Patent Law Treaty concluded on 1 June 2000 in Geneva (Treaty Series 2001, 120).

## **Section 2. Statements**

### **§ 1. General**

#### **Article 2**

1. A statement other than a patent application is a written document signed by the sender that contains at minimum:

- a. the name and address of the sender and
- b. if applicable: the number of the patent application or the patent to which the statement pertains.

2. The office accepts a statement provided by a patent applicant or a patent holder using an international standard form for statements that corresponds with the requirements of the Washington Patent Cooperation Treaty of 19 June 1970 (1973 Treaty Series, 20).

3. If the sender referred to in the first paragraph acts in respect of a treaty on behalf of a patent applicant, patent holder or other interested party, the statement shall also contain the name and address of the party on whose behalf he/she is acting. If an authorized agent is acting, the authorized agent's address shall be the correspondence address, unless the party for whom he/she is acting has explicitly stated a different correspondence address.

#### **Article 3**

1. If one or more provisions stated in Article 15, paragraph two, of the decree is/are not satisfied, the office shall notify the party in question as quickly as possible and give him/her the opportunity to satisfy the provision(s) within three months starting from the date when the relevant notification was issued.

2. If the shortcomings are not remedied within the period stated in paragraph 1, or if the party in question has not provided notification that he/she does not want to proceed to remedy the shortcomings, the office can decide to deem the statement referred to in Article 2, paragraph 1, as not having been submitted.

3. If the office has reasonable grounds to doubt the identity or qualifications of the signatory of a statement, the office can demand relevant proof from the party in question.

**Article 4**

If the law requires that the statement be dated and said date is lacking, the date that will apply shall be the date when the agency receives the statement.

## **§ 2. Patent Applications**

### **Article 5**

1. A single copy of the patent application and of the description, drawings and abstract associated with the patent application shall be submitted.

2. Preferably, a patent application and the associated description are to be organized in accordance with the standard forms drafted by the office for this purpose.

3. A patent application and the associated documents may be submitted electronically using software provided by the office, provided the provisions in the annex to this regulation are satisfied. Electronic submission using an electronic data carrier shall be accompanied by a paper document containing the name and address of the party submitting it or of his/her authorized agent, together with an exhaustive inventory of the documents that the electronic data carrier contains.

4. Other documents besides the ones referred to in paragraph three may be submitted electronically to the extent possible.

5. If the date is missing from an application not submitted electronically, the date when the office receives the signed application shall apply as the date.

### **Article 6**

With regard to an application as referred to in Article 5, paragraph 3, the following shall not be applicable: Articles 8, subsections a , with the exception of the requirement to have the description in A4 format (29.7 x 21 cm) b and c; Article 9, subsection a, with the exception of the requirement to have the drawing in A4 format (29.7 x 21 cm), b and c; and Article 10, subsection a, with the exception of the requirement to have the drawing in A4 format (29.7 x 21 cm).

### **Article 7**

1. The translations of European patent specifications and improved translations thereof referred to in Article 52 of the law shall be submitted in duplicate.

2. Articles 8 and 9 apply mutatis mutandis to translations and improved translations of the description and drawings of European patent specifications.

3. Each page of the translations shall state the publication number of the European patent application that led to the granting of the European patent.

4. Article 5, paragraphs three and four apply mutatis mutandis to the documents referred to in this article. Paragraph two applies mutatis mutandis, on the understanding that the following do not apply: Article 8, subsections a, with the exception of the requirement to have the description in A4 format (29.7 x 21 cm), b and c; and Article 9, subsections a, with the exception of the requirement to have the drawing in A4 format (29.7 x 21 cm), b and c.

5. If applications and documents are submitted both electronically and on paper, the paper version thereof will be immediately returned with notice that the electronic version will be processed.

#### **Article 8**

The description belonging to a patent application must satisfy the following requirements:

- a. the description shall be placed on one side of one or more sheets of paper, of A4 size (29.7 X 21 cm), which is pliable, durable, strong, white, smooth, matte, free of creases, wrinkles, rips, folds;
- b. the description shall be printed or typed with a dark indelible ink, so as to allow direct reproduction by photography, electrostatic processes, photo offset and microfilming in an unlimited number of copies;
- c. the text shall be typed or printed using 1.5 lines spacing between the lines of text;
- d. the entire text shall be rendered in letters, the capital letters of which shall be at least 0.21 cm high;
- e. graphic symbols and signs and chemical or mathematical formulas shall be rendered precisely and, if necessary, may be written or drawn by hand;
- f. the heading of the description shall state the concise designation referred to in Article 24 of the Act, first paragraph under d;
- g. claims within the meaning of Article 24 of the Act, first paragraph

under e. shall commence on a new sheet and shall be numbered consecutively;

h. every fifth line of each page of the description shall be numbered, the numbers being placed in the right half of the left margin;

i. the pages of the description shall be numbered consecutively in Arabic numerals; the page numbers shall be placed in the middle at the top of the pages;

j. the pages of the description shall have blank edges all around measuring not less than: upper margin 2 cm, right margin 2 cm, left margin 2.5 cm, lower margin 2 cm;

k. the description shall indicate what result in the area of industry is envisaged, defining its novelty in comparison to the state of the art;

l. the claims of the description shall precisely indicate what is new and for what aspect the exclusive right is sought;

m. the description and the claims to a separate application within the meaning of Article 28 of the Act must be understandable without consulting the original application;

n. the description shall be stated precisely and correctly, as briefly as possible and without pointless repetitions, free of erasures and alterations, interwritings and interlineations;

o. weights and measures in the description shall be expressed using the metric system, temperatures in degrees Celsius, chemical elements, compounds and quantities, as well as quantities from the standpoint of physics and technology shall be expressed in the manner of accepted international practice;

p. the description shall contain no figures other than scientific, mathematical or technical formulas and symbols;

q. the figures referred to under p shall be submitted separately as drawings in the event that printing them would take up too much space or would occasion other difficulties;

r. in the event that the application pertains to a nucleotide sequence or an amino acid sequence:

1. the description of the invention shall contain an enumeration sequence in compliance with the standards set by the World Organization for Intellectual Property;

2. the application shall be accompanied by an electronic data carrier containing the enumeration sequence referred to under 1° in a form which can be mechanically read and which complies with the criteria established by the European Patent Office.



## **Article 9**

The drawings in a patent application must satisfy the following regulations as to form:

- a. they shall be placed on one side of one or more sheets of paper, of A4 size (29.7 X 21 cm), which is pliable, durable, strong, white, smooth, matte, free of creases, wrinkles, rips, folds;
- b. all parts of them shall be executed in firm, uniformly drawn, durable lines consisting of a single dark color, so as to allow direct reproduction by photography, electrostatic processes, photo offset and microfilming in an unlimited number of copies;
- c. the pages of the drawing shall have blank edges all around measuring not less than: upper margin 2 cm, right margin 2 cm, left margin 2.5 cm, lower margin 2 cm;
- d. the individual figures shall be clearly separated from each other and numbered consecutively;
- e. the drawings shall be clear and include nothing in excess of what is necessary for a correct understanding of the invention;
- f. cross-sections shall be indicated by hatching which does not impede clear differentiation of reference symbols and lines;
- g. in determining the scale of the drawings, the level of complexity of the figures shall be taken into consideration; the scale shall be adequate to enable the detail to be seen without difficulty on a photographic reproduction to two-thirds of the size;
- h. reference symbols designating the figures or parts of figures shall be used only to the extent that a proper understanding of the description requires them; they shall correspond to the reference symbols which occur in the description; the same parts in different drawings shall be indicated using the same reference symbols;
- i. in the event that variants of the invention are described in the description, a system shall be used in the figures corresponding to these variants whereby the same features in different figures are designated by related reference numbers, so that, for example, general feature "15" is designated in variants by "115", "215" etc.;
- j. a reference symbol shall not be utilized for different parts, nor in different figures; addition of accents or numbers to the reference symbols shall be avoided as much as possible;
- k. the drawings shall include no explanatory text, with the exception of designations such as water, steam II-II (for a cross-section), open, closed and as regards electrical block schematics or production diagrams, the designations necessary for a proper understanding of

them; these designations shall be stated in the Dutch language.

#### **Article 10**

The abstract belonging to a patent application must satisfy the following requirements:

- a. it shall be typed or printed in a dark, indelible ink on durable white paper of A4 size (29.7 X 21 cm);
- b. it shall be drawn up in the Dutch language and consist of at least 50 and not more than 250 words or at most 150 in the event the abstract includes a figure;
- c. in principle it shall include only one figure that is filed on a separate A4 sheet.

#### **Article 11**

1. The requirement to have a patent application signed is satisfied by an electronic signature, if the method used for authentication is sufficiently reliable, given the nature and content of the electronic message and the aim for which it is used. Articles 15a, paragraphs 2 through 6, and 15b of Book 3 of the Dutch Civil code apply mutatis mutandis, insofar as the nature of the notice is not precluded by this.

2. If the date is missing from an application not submitted electronically, the date when the office receives the signed application shall apply as the date.

#### **Article 12**

1. The time when a message is sent electronically by the office shall be the time when the message reaches a system for data processing, which the office has no control over, or if the office and the addressee use the same data processing system, the time when the message becomes accessible to the addressee.

2. The time when the message has reached the data processing system shall apply as the time when a message has been received electronically by the office. The office confirms the receipt of an application submitted electronically.

### **§ 3. Request to Change Name or Address**

#### **Article 13**

1. A request signed and filed by the patent applicant or patent holder to change his/her name or address shall contain the following:

- a. a statement that it is a request to register a change of name or address;
- b. the number of the application or the patent;
- c. the change to be registered, and
- d. the name and/or address of the applicant that are to be changed.

2. A single request is sufficient, even if the change pertains to both the name and the address.

3. A single request is sufficient also if the change pertains to more than one application or patent by the same person or to one or more applications and one or patents by the same person, provided the numbers of the applications and patents are stated in the statement of request.

#### **Article 14**

1. If one or more provisions stated in Article 13 is/are not satisfied, the office shall notify the party in question as quickly as possible and give him/her the opportunity to satisfy the provision/provisions within two months starting from the date when the relevant notification was issued.

2. The office may refuse to register the requested change in the patent register if missing or correct information is not provided within said period.

#### **Article 15**

Articles 13 and 14 apply mutatis mutandis to the authorized agent.

#### **§ 4. Request to Change Patent Applicant or Patent Holder**

##### **Article 16**

1. If a change is made in respect of the person of a patent applicant or a patent holder, the office accepts a signed request by the applicant or holder or his/her legal successor to register the change in the patent register.

2. The request for registration shall contain:

a. a statement that is a request to register a change of the patent applicant or owner;

b. the number of the application or the patent;

c. the name and address of the applicant or owner;

d. the name and address of the new patent applicant or new patent holder;

e. the date of the change in person of the patent applicant or patent holder;

f. if applicable: the name of the State of which the new patent applicant or new patent holder is a subject, the name of the State in which the new patent applicant or new patent holder is domiciled, or the name of the State in which the new patent applicant or new patent holder has an actual, operational industrial or commercial establishment, and

g. the reason for the requested change.

3. If a request to change the name on a patent application or who holds a patent ensues from a contract, the request shall be accompanied by a deed within the meaning of Article 65, paragraph 1 of the act or a notarized copy of said deed.

4. If a request to change the name on a patent application or who holds a patent ensues from a merger, or reorganization or division of a legal entity, the request shall be accompanied by a copy of a document attesting to the merger, or reorganization, or division of the legal entity.

5. If a request to change the name on a patent application or who holds a patent arises from grounds other than those referred to in paragraph 1 or 2, the request shall be accompanied by a copy of evidence of the change.

6. If a request to change the name on a patent application or who holds a patent does not concern all co-applicants or co-holders, the office may demand from each co-applicant or co-owner for whom no changes are to occur evidence of approval with the change.

**Article 17**

A single request to change the name of a patent application or who holds a patent suffices even if the change applies to more than one application or patent of the same person or to one or more applications and one or more patents of the same person, provided the change of the applicant or holder is the same for all applications and patents in question and the numbers thereof are stated in the request.

**Article 18**

1. If the request does not satisfy the provisions of Article 16, the office shall notify the submitter of the request of this, and shall give him/her the opportunity to still satisfy the provision/provisions within two months starting from the date when the relevant notification was issued.

2. The office can refuse to register the requested change in the patent register if missing or correct information is not provided within two months.

### **Section 3. Registration of License, Right of Pledge and Attachment**

#### **Article 19**

1. An application for registration of a license can be effected by means of a statement signed by the licensor or the licensee, which shall contain the following information:

- a. a statement that registration of a license is requested;
- b. the number of the application or the patent;
- c. the name and address of the licensor;
- d. the name and address of the licensee;
- e. a statement of whether the license is an exclusive or a non-exclusive license, and
- f. the name of the State of which the licensee is a subject, if he/she is the subject of any State, the name of the state in which the licensee is domiciled, if applicable, and the name of the State where the licensee has an actual, operational, industrial or commercial establishment, if applicable.

2. If a license has originated due to an agreement, the request for registration of the license shall be accompanied by:

- a. the agreement or a notarized copy thereof, certified by a civil law notary;
- b. a notarized extract of the agreement which indicates the licensed rights and the scope of said rights in each case.

#### **Article 20**

A single request to register a license suffices even if the request pertains to more than one patent by the same person or to one or more patents of the same person, provided the registration is the same for all licenses in question and the numbers thereof are stated in the request.

#### **Article 21**

1. If one or more provisions stated in Article 19, paragraph 1, is/are not satisfied, the office shall notify the party in question as quickly as possible and give him/her the opportunity to still satisfy the provision/provisions within two months starting from the date when the relevant notification was issued.

2. The office can refuse to process the request for registration of a

license referred to in paragraph 1 if the missing or correct information is not provided within the period stated in paragraph 1.

**Article 22**

Articles 19 through 21 apply mutatis mutandis to a request to register a right of pledge to a patent or a patent application.

**Article 23**

Articles 19 through 21 apply mutatis mutandis to a request to register an attachment to a patent or a patent application.

**Article 24**

The 1995 Patent Act Implementation Regulation is revoked.

**Article 25**

This regulation takes effect on 1 April 2010.

**Article 26**

This regulation is to be cited as: 1995 Patent Act Implementation Regulation of 2009.