

Annex 2|*PCT Applicant's Guide*

**INTELLECTUAL PROPERTY OFFICE
OF MONGOLIA**
AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Intellectual Property Office of Mongolia

MPL: Mongolian Patent Law

MPR: Regulations on the Drafting, Filing and Processing of an Application for a Patent for Invention

(14 January 2010)

SUMMARY**Designated
(or elected) Office****SUMMARY****MN****INTELLECTUAL PROPERTY OFFICE
OF MONGOLIA****MN****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: ¹	Mongolian
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee: ²	Currency: Mongolian tugrik (MNT) Annual fee for the period from the 1 st to the 3 rd year: ³ MNT 8,000
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51 <i>bis</i>): ^{2, 4}	Name and address of the inventor if they have not been furnished in the "Request" part of the international application ⁵ Appointment of an agent if the applicant is not resident in Mongolia Inventor's declaration ⁵ Assignment deed where the applicant is not the inventor ⁵ Translation to be furnished in two copies
Who can act as agent?	Any natural or legal person resident in Mongolia, registered to practice as a patent agent before the Office
Does the Office accept requests for restoration of the right of priority (PCT Rule 49 <i>ter</i> .2)?	Yes, please refer to the Office for the applicable criteria and/or any fee payable for such requests

¹ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to furnish a complete translation within two months from the date of the invitation.

² If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirements within a time limit fixed in the invitation.

³ Due to the new time limit applicable under PCT Article 22, the Office should be consulted for the time limit applicable for the payment of this fee.

⁴ The list of special requirements is still subject to confirmation by the Office.

⁵ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

(29 May 2008)

THE PROCEDURE IN THE NATIONAL PHASE

- MPR Rule 1.2 MN.01 **FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a special form for entering the national phase (see Annex MN.II). This form should preferably (but need not) be used.
- MN.02 **TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003). If the translation furnished to the Office contains only the description, the Office will invite the applicant to furnish the missing part and will excuse the late furnishing provided that the scope of the disclosure contained in the translation furnished to the Office is not broadened thereby.
- MPL Art. 24 MN.03 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex MN.I.
- MPL Art. 6(5) MN.04 **INVENTOR'S DECLARATION.** For details, see the model of such declaration in Annex MN.III. Legalization is not required.
- MPL Art. 6(5) MN.05 **ASSIGNMENT DEED.** For details, see the model of such deed in Annex MN.IV. Legalization is not required. If the applicant has obtained the right to file the international application through the intermediary of one or more other persons and not directly from the inventor, the assignment deed linking the inventor and the applicant must be produced.
- MPL Art. 6(5)
7 MN.06 **POWER OF ATTORNEY.** An agent must be appointed by power of attorney. A model is given in Annex MN.V.
- MPL Art. 24
25 MN.07 **FEE FOR GRANT.** The fee for grant must be paid within six months after receipt by the applicant of the decision to grant the patent. Where the applicant fails to pay the fee within that time limit, he can make this payment, together with a 100% surcharge for late payment, within six months from the date of the expiration of the above-mentioned time limit. The amount of the said fee is indicated in Annex MN.I.
- PCT Art. 28
41
MPL Art. 10(3), (4) MN.08 **AMENDMENT OF THE APPLICATION; TIME LIMITS.** Within three months after entry into the national phase, the applicant has the right to amend or correct the description, claims or drawings on his own initiative, without paying any fee for that purpose, provided that the amendments or corrections do not modify the subject matter of the claimed invention or utility model beyond the original disclosure.
- MPL Art. 25(2), (3) MN.09 **ANNUAL FEES.** Fees for the maintenance of a patent must be paid for fixed periods as indicated in Annex MN I. The maintenance fees for the first three years must be paid within six months from the date when the decision to grant the patent was made. The fees for the subsequent periods must be paid during the six months prior to the commencement of those periods. If no payment is made in time, it can still be made within six months from the date of expiration of the time limit, together with a 100% surcharge for late payment. The amounts of the annual fees are indicated in Annex MN I.
- PCT Art. 23(2) MN.10 **EARLY START OF NATIONAL PHASE.** If the applicant wishes the examination of his application by the Office to start earlier than the expiration of the time limit applicable under PCT Article 22 or 39(1), he can file an express request in writing therefor.

(14 January 2010)

PCT Rule	49bis.1 (a), (b) 76.5	MN.11 UTILITY MODEL. If the applicant wishes to obtain a utility model registration on the basis of an international application instead of a patent, for international applications filed before 1 January 2004, this must have been indicated in the international application (in Box No. V of the request) when filed; for international applications filed on or after 1 January 2004, since the request form no longer provides for the furnishing of such an indication, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.
MPL Art.	13(1)	MN.12 If the international application is for a utility model instead of a patent, the requirements are basically the same as for a patent, except that the applicant is not required to make a request for substantive examination.
PCT Art. PCT Rule	25 51	MN.13 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged within two months from the date of receipt of the decision.
PCT Art. PCT Rule	24(2) 48(2) 82bis	MN.14 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Reference is made to paragraphs 6.022 to 6.027 of the National Phase. Restoration of rights may be requested where the applicant has failed to observe a time limit during the international phase or before the Office. A request to waive the requirement which was not observed is also possible. Any such request must state the reasons for missing the time limit or for the failure to observe a requirement and must be accompanied by evidence in support of the statements made.

(14 January 2010)

FEES

(Currency: Tugrik)

Fee for grant	960
Annual fees	
– for the period from the 1st to the 3rd year	8,000
– for the period from the 4th to the 6th year	14,200
– for the period from the 7th to the 10th year	28,800
– for the period from the 11th to the 15th year	56,500
– for the period from the 16th to the 20th year	94,200
Surcharge for late payment of fees	100% of the applicable fee

How can payment of fees be effected?

Applicants who are foreign nationals or foreign entities must pay all fees (including annual fees) in freely convertible currency through an agent chosen from the list of agents appointed by the Office.

(July 1996)

ОЮУНЫ ӨМЧИЙН ГАЗАРТ

Улаанбаатар 46
Бага тойруу 49

Шинэ бүтээлийн эргөдөл	/21/ Мэдүүлгийн улсын бүртгэлийн дугаар
	/22/ Үлхдагч огноо он сар өдөр
	/32/ Давамгайлэх огноо он сар өдөр
	/51/ Олон улсын ангилал
/54/ Шинэ бүтээлийн нэр	
Шинэ бүтээлийн томъёололыг үндэслэн мэдүүлэг гаргагч	
..... -ийн нэр дээр патент олгоно уу	
/71/ Мэдүүлэг гаргагчийн нэр	Шуудангийн хаяг, дугаар
/72/ Зохиогчийн овог нэр	Шуудангийн хаяг, утас
Өөрийн улсын нэр.....	Оршин суугаа орны нэр....
/72/ Зохиогчийн овог нэр	Шуудангийн хаяг, утас
Өөрийн улсын нэр	Оршин суугаа орны нэр ...
/72/ Зохиогчийн овог нэр	Шуудангийн хаяг, утас
Өөрийн улсын нэр	Оршин суугаа орны нэр ...
/72/ Зохиогчийн овог нэр	Шуудангийн хаяг, утас
Өөрийн улсын нэр	Оршин суугаа орны нэр ...
/72/ Зохиогчийн овог нэр	Шуудангийн хаяг, утас
Өөрийн улсын нэр	Оршин суугаа орны нэр ...

Тайлбар: /21/, /22/, /51/ ийг Патентын газар нохож бичнэ.

(January 1998)

/74/ Патентын итгэмжлэгдсэн төлөөлөгчийн нэр, хаяг /зохиогч, мэдүүлэг гаргагчийн хэн нэг нь төлөөлөгчөөр ажиллах бол мөн энд хаягаа бичнэ/.

Утас Телекс Телефакс

Шинэ бүтээлийн анхдагч огноог дор дурдсан хугацааны яль тохирохоор нь тогтооно уу.

Патентын газарт мэдүүлэг өгсөн өдрөөр
Нэмэлт засвар хийж өгсөн он сар өдрөөр
Парисийн конвенцийн гишүүн оронд мэдүүлэг гаргасан: одроор

Мэдүүлгийн дугаар Нэмэлт засвар хийж Олон улсын ангилал
ирүүлсэн он, сар, өдөр

- 1.
- 2.
- 3.

Зохиогч, зохиогчид, мэдүүлэг гаргагч, итгэмжлэгдсэн төлөөлөгчийн гарын үсэг, тамга /хэрэв хэн нэгийг төлөөлж гарын үсэг зурвал итгэмжлэх бичиг хавсаргана/

Бүрдэл хэлэх жагссалт

Энэхүү мэдүүлэгт дараах баримт, нотолгоог хавсаргав:

- | | |
|------------------------------|---------------------------------|
| 1. Өргөдөл хуудас | 6. Итгэмжлэх бичгийн хуулбар |
| 2. Тодорхойлолт хуудас | 7. Конвенцийн Өргөдлийн хуулбар |
| 3. Томъёолол хуудас | 8. Хураамж төлсөн тасалбар |
| 4. Товч тайлбар хуудас | 9. Хөнгөлөлтийн нотолгоо |
| 5. Зураг хуудас | 10. Бусад баримт бичиг |

Бүгд хуудас, хувь

Шинэ бүтээлийг нийтэд мэдээлэх тухай:

Хэвлэж болно.
Нууцлах тул хэвлэж болохгүй.

(January 1998)

To Intellectual Property Office

Ulaanbaatar 46
Baga toiruu 49

Patent application

(21) National registration No.

(22) Filing date (year/month/day)

(32) Priority date (year/month/day)

(51) International classification

(54) Name of invention

Please grant a patent to the name of applicant Mr/Ms

on the basis of abstract of invention.

(71) Name of applicant

mailing address

(72) Inventor's name

mailing address

Name of country of origin

Name of country of residence

(72) Inventor's name

mailing address

Name of country of origin

Name of country of residence

(72) Inventor's name

mailing address

Name of country of origin

Name of country of residence

(72) Inventor's name

mailing address

Name of country of origin

Name of country of residence

(72) Inventor's name

mailing address

Name of country of origin

Name of country of residence

Note: The Patent Office will fill in (21), (22), (51).

(January 1998)

(74) Name of Patent attorney (In case if whether inventor or applicant act as an attorney, their address shall be written).

Telephone

Telex

Telefax

Please fix the filing date for invention according to the following that suits.

Date of application to Patent Office;

Date of amendments made;

Date of application in the Paris Union country.

Application No.

Date of application after amendments

International Classification

- 1.
- 2.
- 3.

Signature, seal of inventor, inventors, applicant, attorney. (in case of representing of somebody, credential should be enclosed)

List of required documents.

- | | |
|-------------------------------|--------------------------------------|
| 1. Application ... pages | 6. Copy of credential |
| 2. Definition ... pages | 7. Copy of application of Convention |
| 3. Abstracts ... pages | 8. Receipt of payment of fee |
| 4. Brief definition ... pages | 9. Notification of faculty |
| 5. Drawings ... pages | 10. Others |

Total ... pages ... copies.

Communication of invention to public:

Publication allowed.

Publication prohibited for secrecy reason.

(January 1998)

МОНГОЛ УЛС
ЗОХИОГЧИЙН БАТАЛГАА

MONGOLIA
INVENTOR'S DECLARATION

Доор гарын үсэг зурсан би (бид)
.....
.....
.....
.....
..... нь
.....
.....
.....

Улсын иргэн бөгөөд миний хаяг:
.....
.....
.....
..... болно.

Дараа заагдсанаар нэрлэгдэх
.....
.....
.....
.....
.....

энэ шинэ бүтээлийн өргөдлийг Монгол Улсад өгсөн ба уг шинэ бүтээлийг би (бид) хэнээс ч хуулбарлаагүй болон түүний жинхэнэ зохиогч нь би (бид) болохыг батлав.

Зохиогчийн гарын үсэг
.....

I(We) the under signed
.....
.....
..... subject of
.....
.....
.....

With domicile
.....
.....
.....
.....

here declare that the invention filed in Mongolia under the title
.....
.....
.....
.....

has not been borrowed from anybody, and that I am (we are) the true inventor(s) of it.

Signature of the inventor(s)
.....

(1 January 2002)

МОНГОЛ УЛС

MONGOLIA

ШИЛЖҮҮЛЭХ АКТ

ASSIGNMENT DEED

Би (Бид)
.....
.....

I (We)
.....
.....

доор заагдсан нэрээр Монгол улсад бүртгүүлэхээр өргөдөл өгсөн миний (манай) шинэ бүтээлээс үүсэн гарах бүх эрхийг шилжүүлэн өгсөн болохыг мэдэгдье

declare that I (we) have transferred all the rights resulting from my (our) invention under the title

.....
.....
.....
.....
.....

.....
.....
.....
.....
on which the application is filed in Mongolia.

Би (Бид)
.....
.....
.....
дээр заагдсан эрхийг хүлээн авсанаа мэдэгдье.

I (We)
.....
.....
.....
declare that I (we) accept the aforesaid rights.

Эрх шилжүүлэн авагчийн гарын үсэг
.....

Signature of the assignee
.....

Эрх шилжүүлэгчийн гарын үсэг
.....

Signature of the assignor
.....

Date

(1 January 2002)

МОНГОЛ УЛС

ИТГЭМЖЛЭХ

Доор гарын үсэг зурсан (бид)

.....
.....

Өргөдөл гаргагчийн нэр, хаяг

.....
.....
.....

Олон улсын өргөдөлтэй

.....
.....

Шинэ бүтээлд Монголд патент авахтай холбогдсон ажлыг эрхлэн явуулахыг итгэж бүрэн эрх мэдлийг олгов.

.....
.....
.....

Монголын итгэмжлэгдсэн төлөөлөгчийн бүрэн нэр, хаяг

.....
.....
.....

Намайг (биднийг) төлөөлөн бүх төрлийн өргөдөл, баримт тодорхойлолт, зураглал зэрэг бичиг хэрэгт гарын үсэг зурах, патентын өргөдлийг Оюуны өмчийн газарт бүртгүүлэх бүх төрлийн баримт бичгүүдийг явуулах ба хүлээн авах, анхдагч огнооны баримт бичиг, патент хүлээн авах, батламжлах тодорхойлолт ба зураглалд зохих ёсны засвар, сайжруулалт хийх, материалыг бүрнээр ба хэсэгчлэн эргүүлж авах, хүсэлт ба татгалзал өгөх, шинэ бүтээлд олгогдсон патентыг хүчинтэй байлгахад зохих арга хэмжээ авна.

Хаана (огноо)

Гарын үсэг

MONGOLIA

POWER OF ATTORNEY

The undersigned duly appointed agent to

.....
.....

Name and address of applicant

.....
.....
.....

wishing to obtain a patent in Mongolia based upon international patent applicationNo

.....
.....

hereby appoints

.....
.....
.....

Full name and address of Mongolian agent

.....
.....
.....
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.....

to file a corresponding patent application with the Mongolian Intellectual Property Office, and to represent me (us) in respect of the said application and on my (our) behalf to receive services and empowers the appointee to sign the petition and drawings, to amend the specification and drawings, to prosecute the application, and to receive the patent granted on the said application; and ratifies any act done by the said appointee in respect of the said application.

Place (Date)

.....
.....

Applicant's signature

(1 January 2002)