



**THE EURASIAN PATENT ORGANIZATION
(EAPO)**

**Entering Eurasian Regional Phase under PCT
Brief summary of requirements and prosecution procedure overview**

Entry to Eurasian Regional Phase for an international application under PCT Article 22(3) or Article 39(1)(b) shall be done within 31 months after the priority date.

The international application shall be translated into Russian language. The following international application contents shall be translated:

- under PCT Article 22: description, claims, any text matter of drawings, abstract; if claims were amended, they shall be translated as originally filed and as amended;
- under PCT Article 39(1): description, claims, any text matter of drawings, abstract; if any of those parts were amended, they shall be translated as originally filed and as amended by the annexes to the international preliminary examination report.

It is possible to enter the Regional Phase with no translation submitted at the time of filing application; however it is expedient to submit the translation within two months after filing, in order to avoid extra fee for late filing the translation.

A certified copy of the international application shall be provided, when the Regional Phase entry is to be done prior to international publication of the international application.

Reinstating rights to priority by request under PCT Rule 49 ter.2 is possible according to the “unintentional” criterion.

An agent shall be appointed if the applicant is not resident in a contracting state under the Eurasian Patent Convention. Any Eurasian patent attorney may act as an agent.

The following Official Fees shall be paid in due course:

Filing fee	RUB 28000 (USD 466.7) RUB 3700 (USD 61.7) for each claim over 5 RUB 4000 (USD 66.7) for each claim over 20 RUB 5000 (USD 83.3) for each claim over 50
Examination fee	RUB 30000 (USD 500) for the 1 st independent claim RUB 20000 (USD 333.3) for 2 nd independent claim RUB 10000 (USD 166.7) for 3 rd and each further independent claim
Patent issue fee	RUB 18000 (USD 300)
Patent publication fee	RUB 200 (USD 3.3) for each page over 35

Annual fees depend on the countries where the patent shall be maintained and the number of years of patent validity.

The USD amounts indicated in the above are exemplary only as they were calculated based on RUB/USD exchange rate of 60. Some other fees may be required during prosecution, depending on circumstances.

The examination fee is to be reduced by 40% for PCT Applications containing ISR issued by RUPTO or by 25% for PCT Applications containing ISR issued by any other PCT authority.

Patent issue fee and patent publication fee shall be paid within four months after dispatching grant decision to the applicant. The patent issue fee may be made within two months after the expiration date of this time limit, including a surcharge for late payment.

Examination of the application is divided into two parts, formal examination and substantive examination. Formal examination usually takes two to three months. Substantive examination usually takes one year or more, depending on examiner's workload and the applicant's responsiveness.

During examination, terms for the applicant's response to an Office Action may be extended upon payment of a due fee. The number of extensions is not limited, but the fee is rocketing with any additional month after the initial two months.

Accelerated examination is available upon payment of corresponding fees. Additionally, some Patent Prosecution Highway procedures (particularly, PCT-PPH or direct JPO-PPH) may be used in order to speedup examination.

Generally, the whole prosecution procedure takes 2 to 3 years and yields either grant or denial. Denial decision may be opposed with the EAPO Expert Bar and further appealed with the President of EAPO.

A Eurasian application may be converted into national patent applications in the contracting states under the Eurasian Patent Convention within six months after denial decision. The converted applications shall have the priority date of the initial application.

After patent grant, annuities shall be paid every year on the Eurasian filing date anniversary. The payment can also be made within six months after the expiration date of this time limit, including a 50% surcharge for late payment. If a Eurasian patent is expired due to unpaid annuities, it may be reinstated by the patent holder's request upon payment of due fees in relation of those countries, where their national patents may be reinstated.

For further details of Eurasian patent law and practice, please feel free to contact Mr. Stan Fedorov of Delta Patent[®]. Stan is available by email: eng@delta-patent.com, by skype: stanifed, or by phone: 7 812 998 1292.