

**REGULATIONS
ON PROFESSIONAL
EXAMINATIONS
FOR AUTHORIZED
REPRESENTATIVES
IN THE FIELD OF
INDUSTRIAL
PROPERTY
RIGHTS***

*NN 84/2013 (in force from 13 July 2013)

Zagreb, July 2013

REGULATIONS *

ON PROFESSIONAL EXAMINATIONS FOR AUTHORIZED REPRESENTATIVES IN THE FIELD OF INDUSTRIAL PROPERTY RIGHTS

I. GENERAL PROVISION

Article 1

These Regulations provide for professional examinations for authorized representatives in the field of industrial property rights (hereinafter: professional examinations), the procedure of taking professional examinations, establishment, composition and the way of work of an examination committee that conducts professional examinations, the procedure of taking a professional examination, issuing a certificate on a professional examination as passed and taking separate records of professional examinations as passed.

Article 2

The provisions of these Regulations are in compliance with the Directive 2006/ 123/EC on services in the internal market.

Article 3

The expressions having gender meaning as used in these Regulations irrespective of whether they are used in the male or female gender shall include equally the male and female gender.

II. PROFESSIONAL EXAMINATIONS

Article 4

Professional examinations are intended to test the knowledge of authorized representatives necessary to perform the activities in the field of industrial property rights.

A professional examination for a patent representative is intended to test the knowledge of a candidate who takes the examination (hereinafter: the candidate) in the field of patents (a special part of the professional examination for a patent representative) and in the field of intellectual property rights in general (a general part of the professional examination).

A professional examination for a representative in trademark matters, industrial design, indications of geographical origin and appellations of origin of goods and services and topography of semiconductor products (hereinafter: the trademark representative), is intended to test the knowledge of a candidate in the field of industrial property as provided in this paragraph (a special part of the professional examination for the trademark representative) and in the field of intellectual property rights in general (a general part of the professional examination).

Article 5

The professional examination comprises written and oral part. Written and oral parts of the examination include questions from the general and the special part of the professional examination.

General part of the professional examination is equal for candidates for a patent representative and a trademark representative and includes the basics of intellectual property rights, the arrangement of representation activities in the field of industrial property rights, knowledge of administrative procedure and administrative dispute proceedings, institutional frame of the national intellectual property system of and the scope of competent authorities, as well as court jurisdiction in procedures for the protection of industrial property rights.

Candidates who provide a corresponding document as evidence to have passed a judicial state examination or a state qualification exam in the Republic of Croatia shall be exempt from taking the general part of the professional examination regarding knowledge of administrative procedure and administrative dispute proceedings.

Depending on the professional examination taken by a candidate for a patent representative or a trademark representative, there is a difference in the special part thereof.

Special part of the professional examination for a patent representative comprises one subject – patent right – and it includes a theoretical and a practical part.

Special part of the professional examination for a trademark representative comprises four subjects – trademark right, industrial design right, geographical indication and appellation of origin right and topographies of semiconductor products right. The subjects of trademark right and industrial design right include a theoretical and a practical part, whereas the subjects of geographical indication and appellation of origin right and topographies of semiconductor products right include a theoretical part only.

The Director General of the State Intellectual Property Office (hereinafter: the Office) shall specify sources for taking the professional examination for a patent representative and the professional examination for a trademark representative and he shall adjust them at least once a year to positive legal regulations. Sources for taking the professional examination for a patent representative and the professional examination for a trademark representative shall be published on the web sites of the Office.

A candidate who passed professional examination for a patent representative or the professional examination for a trademark representative shall be exempt from taking the general part of the professional examination when sitting the professional examination for a trademark representative

or the professional examination for a patent representative, and the costs of taking the second professional examination shall be paid in the amount of costs set for taking the professional examination reduced by 30%.

Article 6

Written part of the professional examination shall be taken in one day, not exceeding six hours.

Oral part of the professional examination must be taken no later than within eight days upon taking the written part and only by candidates who passed the written part.

Article 7

Costs of taking professional examinations shall be paid in accordance with a special regulation.

III. PROCEDURE OF TAKING PROFESSIONAL EXAMINATIONS

Article 8

The Office shall determine whether a candidate meets all the requirements for taking a professional examination in the procedure laid down by the Act on General Administrative Procedure.

Article 9

A candidate shall apply for taking a professional examination with the Office providing the following information:

- name and surname,
- residence,
- telephone number,
- date and place of birth,
- data on academic title and profession,
- data on adequate work experience,
- evidence of the payment of costs as prescribed for taking the professional examination.

The application with the Office as provided in paragraph 1 of this Article shall be accompanied by evidence of meeting the requirements as provided in Article 5 of the Act on Representation in the Field of Industrial Property Rights and Article 5 paragraph 3 of these Regulations.

Information from paragraph 1 of this Article shall be provided on the PIZ –1A-form or the PIZ-1B-form enclosed to these Regulations (Attachment 1) as their integral part, depending on whether a candidate applies for taking the professional examination for a patent representative or a trademark representative, or a statement equivalent in contents to these forms in whole.

Article 10

The Office shall hold professional examinations to be taken twice a year, and date and time of taking professional examinations shall be published on its web sites 30 days before the date set for taking a professional examination at the latest.

Professional examinations can be taken by candidates who file a proper application in terms of Article 9 of these Regulations no later than 10 days before the date of taking professional examinations as published.

Article 11

A candidate may postpone his professional examination, but he shall inform the Office about it, by a written notice or orally, no later than three days before the date of professional examinations as published.

If a candidate is unable to postpone the professional examination for unforeseen reasons within the deadline as set by paragraph 1 of this Article, he can postpone the examination by a written notice or orally, with giving justified reasons.

Should a candidate postpone the professional examination orally, pursuant to paragraphs 1 and 2 of this Article, a secretary of the examination commission shall prepare an official note thereon.

In cases as provided under paragraphs 1 and 2 of this Article, the examination shall be postponed until the next date set for taking the professional examination.

Professional examination cannot be postponed more than twice.

Article 12

The amount of costs as provided under Article 7 of these Regulations paid by a candidate who applied for taking a professional examination and postponed it in accordance with Article 11 of these Regulations can be used for subsequent taking of a professional examination or refunded on his request. If the costs of taking a professional examination have increased, a candidate shall pay a supplement. A refund claim shall be subject to a limitation period of two years upon expiry of the year in which the costs of taking an examination have been paid.

IV. EXAMINATION COMMISSION

Article 13

Professional examination shall be taken before the examination commission of the Office.

Article 14

The examination commission comprises a chair, two members and a secretary of the examination commission.

Article 15

The examination commission shall be established by a decision of the Director General of the Office.

The Director General of the Office shall appoint a chair, members and a secretary of the examination commission by a decision as provided under paragraph 1 of this Article.

The Director General of the Office shall determine the subjects to be examined by persons appointed to the examination commission by a decision as provided under paragraph 1 of this Article.

Article 16

Persons with adequate professional qualifications and corresponding work experience in activities from the field of the subjects to be examined can be appointed a chair and members of the examination commission.

Article 17

The examination commission shall prepare examination questions, it shall conduct an oral and a written part of professional examinations and it shall decide on a candidate's performance at the examination, in accordance with the provisions of these Regulations.

A chair and members of the examination commission are entitled to the fee for participating in professional examinations.

The fee as provided under paragraph 2 of this Article shall be set by a decision of the Director General of the Office.

Article 18

Administrative jobs in relation to professional examinations shall be carried out by the Office.

A secretary of the examination commission shall carry out administrative jobs in relation to a professional examination taken by an individual candidate and keep the Protocol as provided under Article 27 of these Regulations.

V. PROCEDURE OF TAKING PROFESSIONAL EXAMINATIONS

Article 19

A secretary of the examination commission shall identify a candidate before starting to take a professional examination. A secretary of the examination commission shall inform a candidate about his rights and obligations and provide him with necessary explanations regarding the procedure of taking a professional examination.

The provisions under paragraph 1 and paragraph 2 of this Article shall also apply in case of taking a repeat examination as provided under Article 24 of these Regulations.

Article 20

The progress of taking a professional examination shall be recorded in a protocol (hereinafter: the Protocol of a Professional Examination) with a paper enclosed as part of a professional examination in writing. The Protocol of a Professional Examination shall be prepared on the PIZ-2-form, enclosed hereto (Attachment 2) and making an integral part of these Regulations.

Article 21

A candidate's performance at the professional examination shall be graded as: »pass« or »fail«.

The »satisfactory« or »not satisfactory« grade shall be assigned for the general part of a professional examination

(if taken by a candidate) and for every subject of the special part of a professional examination.

A candidate shall be graded as »passed« if he was assigned the »satisfactory« grade in the general part of a professional examination and in all subjects of the special part of a professional examination.

A candidate shall be assigned the »satisfactory« grade if he provided answers to show detailed knowledge of the teaching materials comprised in the general and the special part of the examination programme.

A chair of the examination commission shall assign and announce a grade of a professional examination to a candidate on the basis of grades for the general part of a professional examination and for all examination subjects contained in the Protocol of a Professional Examination.

Article 22

Candidates who did not take a professional examination nor did they postpone it in accordance with Article 11 of these Regulations, as well as candidates who started taking a professional examination but withdrew from it with no justified reasons, shall be considered to have failed a professional examination.

The provisions of these Regulations related to repeating of the entire professional examination shall apply to repeat professional examination in cases as provided under paragraph 1 of this Article.

Where a candidate withdraws from an already started professional examination for health or other justified reasons, the examination commission may make a decision on suspending the professional examination for this candidate. This decision shall be entered in the Protocol of a Professional Examination giving the reasons of the examination suspension.

Article 23

A candidate who started taking a professional examination that was suspended in accordance with Article 22 of these Regulations shall continue with taking the professional examination within no more than 90 days as from the date of the decision on suspending the professional examination. If a candidate who started taking a professional examination fails to continue with taking the professional examination within the deadline as set under paragraph 1 of this Article, he shall be considered to have failed a professional examination.

Information on the suspension of taking a professional examination as provided under paragraph 1 of this Article as well as the information as provided under paragraph 2 of this Article shall be entered in the Protocol of a Professional Examination.

Article 24

A candidate who took a professional examination for a patent representative, but was not assigned a satisfactory grade either in the general or the special part of the examination may take a repeat examination. A candidate who took a professional examination for a trademark representative, but

was not assigned a satisfactory grade either in the general part or maximum two examination subjects may take a repeat examination. A repeat examination can be taken within no less than 30 days and no more than 60 days after the date of a candidate's taking the professional examination he was not assigned a satisfactory grade in.

A candidate who does not start taking a repeat examination within the deadline as set under paragraph 1 of this Article or who is assigned a »not satisfactory« grade in the repeat examination shall be considered to have failed a professional examination.

A candidate can take a repeat examination only once.

Information on taking a repeat examination as provided under paragraph 1 of this Article as well as the information as provided under paragraph 2 of this Article shall be entered in the Protocol of a Professional Examination.

Article 25

A candidate may take the professional examination no more than twice.

Article 26

The Office shall issue a certificate on the professional examination as passed on the PIZ-3-form, enclosed hereto (Attachment 3) and making an integral part of these

Regulations.

A chair of the examination commission shall sign the certificate as provided under paragraph 1 of this Article.

Article 27

The Office shall keep the Protocol of Professional Examinations with the information entered on professional examinations carried out.

Director General of the Office shall prescribe the contents and the way of keeping the protocol by a decision

VI. FINAL PROVISION

Article 28

On the date of these Regulations coming into effect, the provisions of the Regulations on Professional Examinations for Authorized Representatives in the Field of Industrial Property Rights (»Official Gazette«, No. 24/06) and the related forms making an integral part of these Regulations shall cease to be valid.

Article 29

These Regulations shall come into effect on the eighth day upon publication in the »Official Gazette«.

REPUBLIC OF CROATIA
STATE INTELLECTUAL PROPERTY
OFFICE
Ulica grada Vukovara 78
10 000 ZAGREB

APPLICATION**for the qualifying examination for patent representatives**

1.	Name and surname	
2.	Personal identification number	
3.	Address of residence, telephone number	
4.	Date, month, year and place of birth, state	
5.	Personal identity card number and place of issuance	
6.	Academic degree, profession	
7.	Information on adequate work experience	
8.	List of enclosures	
9.	Special remark	

Applicant's signature

REPUBLIC OF CROATIA
STATE INTELLECTUAL PROPERTY
OFFICE
Ulica grada Vukovara 78
10 000 ZAGREB

APPLICATION

for the qualifying examination for trademark representatives

1.	Name and surname	
2.	Personal identification number	
3.	Address of residence, telephone number	
4.	Date, month, year and place of birth, state	
5.	Personal identity card number and place of issuance	
6.	Academic degree, profession	
7.	List of enclosures	
8.	Special remark	

Applicant's signature

ATTACHMENT 2

REPUBLIC OF CROATIA
STATE INTELLECTUAL PROPERTY
OFFICE
Ulica grada Vukovara 78
10 000 ZAGREB

EXAMINATION COMMISSION FOR PROFESSIONAL EXAMINATION

FOR _____

Class:
File No.:
Zagreb, on _____

PROTOCOL

of taking the professional examination for authorized representatives in the field of industrial property rights before the examination commission of the State Intellectual Property Office established by a decision of the Director General, CLASS: _____, FILE NO.: _____, as of _____ comprised of:

1. _____ chair of the examination commission,
2. _____ member of the examination commission,
3. _____ member of the examination commission.

(candidate's name and surname, academic degree, profession)

born on/in _____, from _____
(birth date, place and state) (address of residence)

personal identity card number and place of issuance _____,

shall take on _____ the professional examination for

_____.

Data on the course of the professional examination:

The written paper of the professional examination is enclosed to this Protocol.

The candidate shall take the general part of the professional examination YES NO

Questions	Examiner's notes and grades (satisfactory / not satisfactory)	Examiner's name and surname, signature

Special part of the professional examination

Examination subject	Questions	Examiner's notes and grades (satisfactory / not satisfactory)	Examiner's name and surname, signature

Upon completion of the state qualification examination, the State Examination Commission assigned the following grade for the professional examination in _____:

- a) pass
- b) fail
- c) not all subjects are passed, so the official is referred to repeat the following subjects:

Special remarks:

The data given in this protocol are signed for verification by:

Candidate:

Secretary of the examination commission:

Members of the examination commission:

Chair of the examination commission:

Data on the course of the repeat examination:

General part of the professional examination

Questions	Examiner's notes and grades (satisfactory / not satisfactory)	Examiner's name and surname, signature

Protocol page 1/n

Examination subject	Questions	Examiner's notes and grades (satisfactory / not satisfactory)	Examiner's name and surname, signature
Special remarks:			

Upon completion of the examination, the examination commission determined that the candidate passed/failed the professional examination in _____.

Candidate:

Secretary of the examination commission:

Members of the examination commission:

Chair of the examination commission:

REPUBLIC OF CROATIA
STATE INTELLECTUAL PROPERTY OFFICE

EXAMINATION COMMISSION FOR PROFESSIONAL EXAMINATION
FOR _____

Pursuant to Article 26 of the Regulations on Professional Examinations for Authorized Representatives in the Field of Industrial Property Rights ("Official Gazette", No. __/13), the State Intellectual Property Office issues the following

CERTIFICATE
ON THE PROFESSIONAL EXAMINATION AS PASSED

(candidate's name and surname, academic degree, profession)
born on/in _____, from _____
(birth date, place and state) (address of residence)
passed on _____ in Zagreb
the professional examination for _____.
CLASS:
FILE NO.:
Zagreb, on _____

Chair of the examination commission:

Pursuant to Article 7, paragraph 2, item 22 of the Administrative Fees Act, this certificate is exempt from paying administrative fees.