

ACT ON THE FEES IN THE FIELD OF INTELLECTUAL PROPERTY

NN 66/2021, in force from June 24, 2021

Zagreb, June 2021

ACT ON THE FEES IN THE FIELD OF INTELLECTUAL PROPERTY

PART ONE GENERAL PROVISIONS

Article 1

This Act regulates the payment of the following fees:

1. charges of proceedings conducted by the State Intellectual Property Office (hereinafter: the Office)

a) for the grant and maintenance of industrial property rights in value according to the regulations governing the field of patents, trademarks, industrial design, geographical indications and designations of origin of products and services in the part where the acquisition, system of protection and exercise of the right to use geographical indications and designations of origin is not regulated by special regulations, and the regulations governing the field of protection of topographies of semiconductor products;

b) for taking professional exams for authorised representatives in the field of industrial property rights and entering in the register of representatives in the field of industrial property, according to the regulations governing representation in the field of industrial property rights;

c) for granting approvals to perform collective management of copyright and related rights according to the regulations governing the field of copyright and related rights;

2. for the provision of professional services performed by the Office within its professional activity.

Article 2

The terms used in this Act, which have a gender meaning, refer equally to the masculine and feminine gender.

PART TWO OBLIGATION TO PAY THE FEES

Article 3

(1) The fees under this Act shall be paid by a legal or a natural person (hereinafter: the party) at whose request the action specified in one of the regulations referred to in Article 1 item 1 is

performed or the service referred to in Article 1 item 2 of this Act is rendered.

(2) The fees shall be paid at the time of submitting the request or other submission with the Office on the basis of which the Office performs the action, or renders the service.

(3) Where several parties submit the request or other submission jointly, only one fee shall be paid.

Article 4

(1) If the costs in proceedings referred to in Article 1 item 1 subitems a) and c) of this Act are not paid at the moment of the obligation or not paid in the prescribed amount, the Office shall invite the party by a conclusion to pay them.

(2) If the reimbursement of the costs of the proceedings is paid according to the conclusion of the Office referred to in paragraph 1 of this Article, it is considered that the reimbursement of costs has been duly paid from the beginning.

(3) If the reimbursement of the costs of the proceedings is not paid according to the conclusion of the Office referred to in paragraph 1 of this Article, the request or another submission shall be rejected by a decision.

(4) The decision referred to in paragraph 3 of this Article cannot be appealed, but an administrative dispute can be initiated before the Administrative Court in Zagreb.

(5) The reimbursement of the costs of the proceedings referred to in Article 1 item 1 subitem b) of this Act is governed by regulations that regulate representation in the field of industrial property rights.

Article 5

(1) If the fee for the provision of the Office's services referred to in Article 1 item 2 is not paid at the moment of the obligation, the Office shall not provide the requested service.

(2) If the fee for the provision of the Office's services is not paid in the prescribed amount, the Office shall invite the party to make the payment and it shall provide the requested service thereupon.

**PART THREE
DETERMINATION OF FEES AND FEE INCOME**

Article 6

The fees referred to in Article 1 of this Act shall be prescribed by the Government of the Republic of Croatia by a regulation and they represent general income of the state budget of the Republic of Croatia.

**PART FOUR
SPECIAL PROVISIONS**

Article 7

(1) The obligation to pay the fees referred to in Article 1 item 1 subitem a) of this Act shall not refer to:

1. the Republic of Croatia
2. local administration units and regional administration units and their bodies.

(2) With the purpose of instigating innovation activities, special reduction of the fees referred to in Article 1 item 1 subitem a) of this Act can be determined for individual social or economic categories by a regulation referred to in Article 6 of this Act.

**PART FIVE
REFUND AND LIMITATION**

Article 8

(1) A party that has paid a fee that he/she was not obliged to pay, or has paid the fee after the prescribed deadline or in an amount greater than prescribed, or has paid a fee for an action or service not performed by the Office, is entitled to a refund.

(2) The right to a refund referred to in paragraph 1 of this Article shall lapse two years after the end of the year in which such fee was paid.

(3) The refund procedure referred to in paragraph 1 of this Article shall be initiated at the request of the party, and the Office shall decide on the request by a decision.

(4) The decision referred to in paragraph 3 of this Article cannot be appealed, but an administrative dispute may be initiated before the Administrative Court in Zagreb.

**PART SIX
TRANSITIONAL AND FINAL PROVISIONS**

Article 9

The Government of the Republic of Croatia shall issue the regulation referred to in Article 6 of this Act within 60 days upon this Act entering into force.

Article 10

Until the provision referred to in Article 6 of this Act has come into force, the Regulation on Fees for Special Costs and Costs for the Provision of Information Services of the State Intellectual Property Office shall remain effective ("Official Gazette" No. 109/11, 96/13 and 89/20).

Article 11

Administrative fees, special costs and costs for the provision of information services of the Office, for which the payment obligation has arisen, or which are due for payment by the date of entry into force of this Act, but have not been paid, shall be charged according to the regulation in force at the time the occurrence of the obligation.

Article 12

On the day this Act enters into force, the Act on Administrative Fees in the Field of Intellectual Property Rights shall cease to be valid ("Official Gazette", No. 64/00, 160/04, 62/08, 30/09 and 49/11).

Article 13

This Act shall enter into force on the eighth day upon its publication in the "Official Gazette".