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1. PREFACE

The Annual Report of the Patent Office of the Republic of Bulgaria for the year 2016 contains information regarding the results achieved as a state institution aimed at protection of industrial property and as a key factor in the implementation of state policy in the field of innovations. What has further been concluded, is the statistical data for protection of Industrial Property Objects, the related information and other activities. Not least, it focuses on the activities undertaken to promote and raise awareness of the public and improve the qualifications of particular target groups involved in the field of industrial property.

The implementation of the project for upgrading the document flow system of the Office and the further integration with IPAS and the e-services portal was successfully completed at the beginning of the year.

I took the office as BPO President in August 2016 and we set one of the most important priorities in our work, namely the protection of rights of artists and intellectual property owners, along with the assistance by the BPO in order to recognize and fairly reward the achievements of inventors and authors. In a broader aspect, we have also set clear and equal conditions for realization of the creative potential and investments in the field of intellectual property for implementation of the state policies on the competitiveness of the national economy.

Furthermore, significant work was done over the year 2016 so as to prepare and implement changes in the industrial property legislation. In the framework of the harmonization process with the new EU legislation in the field of trademarks and the preparation for the introduction of a Unitary European Patent, the Office prepared and proposed drafts of the Amendments of the Bulgarian Law on Trademarks and
Geographical Indications, the Amendments and Supplement to the Law on Patents and Utility Model Registration and the Regulation on the Industrial Property Representatives. At the beginning of the year, the implementation of the project for upgrade of the document flow was successfully completed as well as its further integration with the specialized system for Industrial Property Objects- IPAS and the e-services portal of the Office. It was followed by upgrade of the existing software and development of software modules for the BPO integration with the Federated Register of the European Patents supported by EPO. A new electronic service- Inquires about Industrial Property Objects- was introduced in cooperation with the EUIPO. We also continued elaborating on the nine new e-services for citizens and business related to industrial design, and two for trademarks, which were initiated in the previous year, as they were introduced and adapted, integrated and updated with the latest versions.

Some of the most important international forums organized by the Patent Office during the year were the Regional Seminar on Geographical Indications, organized jointly with the World Intellectual Property Organization, Intellectual Property Days held in 10 universities in the country within the framework of the Cooperation Agreement with EUIPO, Intellectual Property and the International Training "Effective Dialogue between Patent Experts and Applicants", conducted jointly with the European Patent Office, European Academy of the EPO. The already traditional ceremony of awarding the "Inventor of the Year 2016", "Innovative Company of the Year 2016" and entry of prominent inventors in the Golden Book of Bulgarian Discoverers and Inventors was also attended internationally.

What should be accentuated in terms of development of the bilateral international cooperation in the field of industrial property is the signing of cooperation agreements with the Georgian and Chinese institutions for protection of intellectual property.

In 2017 our efforts will be directed towards increasing the quality and reducing the administrative burden of services provided to the public and business. The work on changes in the industrial property legislation will continue in relation to the forthcoming changes in the European and International law. The joint organization of events with the international institutions will also continue in the future, as one of the most significant amongst them is the International Conference on Patent Information EPOPIC which will be hosted by Bulgaria and will be held in November 2017 in Sofia.

Petko Nikolov, PhD
President of the Patent Office of the Republic of Bulgaria
2. LEGAL FRAMEWORK

In 2016, as a result of the involvement of the Patent Office in various formats related to the membership of the Republic of Bulgaria in the EU and international industrial property organizations, actions were taken to update and comply with the international requirements of the national laws and the additional regulatory acts, regulating industrial property objects. Legislative initiatives have been implemented in this respect and in order to amend the existing legal framework and to create a new one. Amongst the acts prepared during the reporting period are the draft amendments to the Law on Marks and Geographical Indications, the Law on Amendments to the Law on Patents and Registration of Utility Models and the Regulation on Industrial Property Representatives.

A draft law on the ratification of the Agreement on the Unified Patent Court was also drafted. The law was adopted by the National Assembly on 08.04.2016 and promulgated in the State Gazette - issue 32 of 22.04.2016.

The Office has also prepared a draft decision of the Council of Ministers approving a draft Protocol on the Privileges and Immunities of the Unified Patent Court. The decision was adopted at a meeting of the Council of Ministers on 28.06.2016. The protocol was signed by the Deputy Permanent Representative of Bulgaria in Brussels.

3. PROTECTION OF INDUSTRIAL PROPERTY
3.1. Patents and Utility Models

During 2016 the Patent Office had a total of 703 patent applications for inventions and registration of utility models as 241 of them are for inventions and 462 for utility models.

It should be noted that the number of applications for these two types of industrial property objects has increased significantly compared to previous years, with a total of 563 in 2015 and 467 in 2014.

Unlike the previous year when the number of patent applications for inventions prevailed over the number of applications for utility models (291:272 applications for inventions), in 2016 the application activity in regards to applications for utility models was significantly higher (241 patent applications and 462 applications for utility models).

The application activity for patents and utility models has been represented in the graph below:

Overall, it can be concluded that as a whole and despite the decrease in the number of patent applications there is a tendency for increase in the application activity as in 2016 it reaches its peak compared to the last five years. Regarding the applications
filed from abroad the situation is the same since the share of such applications remains low for both types.

In 2016 there were 549 decisions made on applications for inventions, utility models and supplementary protection certificates (SPC). The success rate of the application for patent for inventions is relatively low as protection document has been issued to 23% of the cases. As for the utility models the share of decisions for registration is significantly higher or 60%, which is mostly due to the registration regime of these IP objects (there is no search and assessment of patentability).

The number of applications for patents, utility models and SPC, which are subject to pending decision, is approximately 1000. At the end of 2015, the number of applications for patents, utility models and SPCs in the examination of formality requirements, preliminary and substantive examination is 1297. Thus, the number of applications, subject to pending decision, has decreased considerably to 25%.

As of December 31, 2016 the national effective patents for inventions were 1027, whereas in 2015 they were 1115, and the number of the effective utility models was 923 (756 for 2015) or 1950 in total (1871 for 2015).

The graph shows that over the last five years the total number of the effective IP object of these two types has generally decreased up until 2016. In 2012 the total number of protected objects was 2078 and in 2013 it was 2007, in 2014-2001 and in 2015-1871, while in 2016 this tendency was stopped and the number of the IP objects during the year increased to 1950. This is due to the raised interest towards the
registration of utility models. On the other hand the tendency in decrease of the effective national patents continues which can be solved by adoption of a unified strategy for protection of intellectual property in the country.

### 3.1.1. Patents

In 2016 the Patent Office received total of 241 patent applications for inventions (291 in 2015). Generally, 232 of them were filed by Bulgarian applicants and 9 by foreign applicants.

![APPLICATION FOR INVENTIONS IN 2016](image)

Compared to the year 2015 there were 50 fewer patent applications for inventions filed for the year 2016. This decrease in the application activity is of approximately 20%.

The structure of the applications, filed by Bulgarian applicants, shows that typically the number of applications filed by physical entities (PE) considerably exceeds the number filed by institutions- the Bulgarian Academy of Science (BAS), Higher Education Institutions (HEI) and legal entities (LE). Consequently, the economic activity of corporate enterprises resulting in application activity remains at a relatively low level.
As observed a tendency, the share of foreign patent applicants for inventions in Bulgaria has been insignificant over the last years, particularly when taking into consideration the overall law application activity in the country. However, it should be noted that there is an increase regarding the effective European patents Bulgaria. As of December 31, 2016 their number is a total of 10,485 (9,606 in 2015). The aforementioned indicates that there is an increase in interest towards obtaining protection for inventions and respectively towards the economy of Bulgaria by foreign holders of patent rights.

Again in 2016 the largest share is attributed to applications for inventions by Bulgarian applicants in the field of machine building industry- approximately 45% of all applications filed. Next are applications in the field of electrical engineering and electronics with 33 % and chemistry with 22 %. 

APPLICATIONS FOR INVENTIONS BY FIELD IN 2016
The ratio shows that regardless of the widely held belief that information and communication technologies have a leading role in the Bulgarian economy, they constitute a small part of the innovation potential of the country as far as it might be associated with the patent activity. The applications in this field represent only a limited number compared to the applications in the field of electric engineering and electronics.

In 2016 there were no requests for temporary protection of application for European Patents filed in the BPO. However, there were over 1900 (1735 in 2015) requests for provision of legal protection of European Patents. Legal protection was provided to 1835 European Patents.

In 2016 the Office received a total of 55 applications for Supplementary Protection Certificate (SPC) as 49 of them are medical products and 6 for plant variety protection. In comparison to year 2015 there were 56 applications for SPC filed in the Office as 55 of them are for medical products and 1 for plant variety protection. In 2016 there were 25 SCP applications issued and respectively 2 rejected.

3.1.2. Utility Models

The number of applications for utility models filed in 2016 is a total of 462, as 453 of them were filed by Bulgarian applicants and 9 by foreign applicants. The number of applications for utility models for the year 2015 is a total of 272 and it clearly shows an increase of 70 % as for the applications for utility models. The share of the foreign applicants is insignificant similarly to the ones filing for patents.
Of all applications for utility models the main part are for registration, but there also are applications parallel to patent applications for inventions and a smaller number of conversions of applications for utility model.

What should be taken into account is that to a larger extent the higher applicant activity in 2016, compared to year 2015, arises out of the possibility for enterprises to apply for grants and funding of projects related to acquisition of rights to intellectual property on innovations that are subject to the applications.

**3.2. Industrial Designs**

In 2016 a total of 166 applications for registration of industrial designs were filed as they include 689 under the national route. In comparison to year 2015 there were 206 applications for industrial design including 709 under national route. Besides this in 2016 there were 49 applications under The Hague Agreement. Conversely in 2015 there were 27 application under the Hague Agreement in the year 2015.

The applicant activity related to applications for industrial designs continues the downward trend dating back 2014. The decrease in the number of applications for industrial designs relative to year 2016 is more than 20%
During the reported period a total of 166 applications for industrial design were filed. Furthermore, 149 were granted registration, 17 were withdrawn or cancelled. Compared to year 2015 there were 228 decisions made for registration of applications for industrial designs as 179 were granted registration and 49 were withdrawn or cancelled. The number of pending applications was a total of 78 applications for industrial design.
As of December 31, 2016 the number of the pending applications for industrial designs was 103. Conversely, as of December 31, 2015 the number of pending applications for industrial designs was 103.

As of December 31, 2016 the registered industrial designs in effect are a total of less than 2200 (as of 31.12.2015 they are 2453)

3.3. Trademarks and Geographical Indications

3.3.1. Trademarks

In 2016 the BPO received 4673 applications for national registration (NR) of trademarks (4534 in the year 2015) as 4234 of them are by Bulgarian and 439 by foreign applicants.
The data shows that the downward trend observed during 2011-2013 indicating a decrease in the number of applications for trademarks pursuant to the National Route has been overcome. Such conclusion can be drawn despite the slight decrease in 2015 because the number of the applications in 2016 has been stabilized at levels slightly higher than those of 2014.

There were 1245 international registrations (IR) filed to request operation in the territory of the Republic of Bulgaria (1683 in the year 2015) in compliance with the Madrid Agreement (MA) and Protocol.
During the year there were 224 applications for international registration under the Madrid Agreement and Protocol filed by Bulgarian applicants (opp. 229 in 2015) and 25 applications for territorial expansion.

In 2016 a total of 495 oppositions were filed (369 in 2015) as 464 of them (323 in 2015) were against applications for registration of trademarks under the national route and 31 (46 in 2015) against admission of the effect of international registrations of trademarks under the Madrid system for international registration of trademarks, in which the Republic of Bulgaria is designated state. The total number of decisions on oppositions is 347 (395 for 2015) as 187 of them are related to full or partial refusal of a trademark, 43 are related to rejection of the opposition, 107 are about termination of the procedure and 10 about non-initiation of proceedings.

The objections claimed under Art. 38a of the Law on Marks and Geographical Indications (LMGI) are 30 (for the year 2015-29) - only against national applications. The total decisions on objections under Art. 38a of the LMGI are 28 (for the year 2015 - 26), of which 9 are well founded and 19 unfounded.

During the year there were 5001 examinations made. There were 4476 final decisions issued on applications for national registration of trademarks (3544 in 2015) as 3415 of which were for registration (2228 in 2015), 99 for cancellation (50 in 2015), 101 for refusal (87 in 2015) and 861 were withdrawn (1179 in 2015). The application withdrawal was in most of the cases due to unpaid fees for examination, publication and registration. The refusals constitute 2.3% of all decisions issued.

In 2016 there were 1078 final decisions issued on international registrations and territorial expansions (1588 in 2015). There were 20 refusals for admission to registration (53 in 2015) and the international registrations allowed to operate in the territory of the Republic of Bulgaria were 1058 (1535 in 2015).

Overall, during the year the final decisions under the national route, international registration, and territorial expansions are 5554 (5230 in 2015). Along with the oppositions the total number of decisions issued in 2016 is 5901 (5625 in 2015)

### 3.3.2. Geographical Indications and Appellations of Origin

In 2016 there were 17 applications for entry of user of geographical indications (6 in 2015) filed in the BPO. Decisions for entry of user were issued to 6 of them (4 in 2015)

During the period there were 44 (52 in 2015) requests for international registration of origin in compliance with the Lisbon Agreement for the Protection of the Appellations of Origin and their international registration. All of the requests were allowed for use in the territory of the Republic of Bulgaria.
3.4. New Plant varieties and Animal Breeds

As of the year 2016 there was a total of 37 applications for new plant varieties and animal breeds as 35 of them are for new plant varieties and 2 for new breeds of animals. Annual fees for maintenance of new varieties of plants and animal breeds have been utilized in total of 309 protected ones. By comparison, in the year 2015, a total of 16 requests for new plant varieties, with no applications for breeds were filed in the Office. In 2015 the lowest applicant activity was observed as for the period from 2006 onwards. The data shows clearly that there is a serious increase in applicant activity compared to 2015 as the said increase is of 131%. The diagram below shows that the applicant activity for the reporting period reaches the levels of 2013.

In 2016 there were 23 certificates issued as 21 of them are for new plant varieties and 2 for new animal breeds. Furthermore, 23 were sent to the Executive Agency for Variety Testing, Field Inspection and seed Control; 17 are pending for publication and sending thereof, and 4 of them are under procedure for change of names. Totally there are 44 applications under procedure. The certificates for new plant varieties and animal breeds in effect are about 400 as of 31.12.2016.

![Applications for New Plant Varieties and Animal Breeds during 2007 - 2016](chart)

The substantive examination of the new plant varieties is carried out by the Executive Agency for Variety Testing, Field Inspection and Seed Control and the examination of new animal breeds is carried out by the Executive Agency for Selection and Reproduction in Animal Breeding. All actions of protection upon the substantive
examination are performed by the Patent Office of the Republic of Bulgaria based on the decisions a reports of the latter executive agencies.

3.5. Public Services

The patent Office provides its clients with a number of services, which include a wide range of activities, such as registration of changes in the legal status of the objects of industrial property, maintenance of various information sources, research on the different objects of IP (free of charge, performed with methodological assistance of experts on information and documentation and paid services- upon request by the client).

3.5.1. Changes in the Legal Status of Industrial Property Objects Claimed or Protected

The distribution of entries in 2016 related to the change of legal status of the various objects of industrial property is shown in the tables below.

**Trademarks**

<table>
<thead>
<tr>
<th>Requests</th>
<th>Filed</th>
<th>Performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renewal of registration</td>
<td>3441</td>
<td>3171</td>
</tr>
<tr>
<td>Change of name/address of the holder</td>
<td>1234</td>
<td>1066</td>
</tr>
<tr>
<td>Transfer of right</td>
<td>1311</td>
<td>1187</td>
</tr>
<tr>
<td>Licensing agreements</td>
<td>237</td>
<td>221</td>
</tr>
<tr>
<td>Special pledges established</td>
<td>484</td>
<td>392</td>
</tr>
<tr>
<td>Distrains</td>
<td>115</td>
<td>36</td>
</tr>
<tr>
<td>Changes in the tax registration (restriction of goods, refusal of rights, etc.)</td>
<td>52</td>
<td>52</td>
</tr>
<tr>
<td>Change of Industrial Property Representatives</td>
<td>926</td>
<td>926</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>7800</strong></td>
<td><strong>7051</strong></td>
</tr>
</tbody>
</table>

**Inventions, Utility Models**

<table>
<thead>
<tr>
<th>Requests</th>
<th>Filed</th>
<th>Performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change of name/address of the holder</td>
<td>44</td>
<td>44</td>
</tr>
<tr>
<td>Transfer of right</td>
<td>213</td>
<td>213</td>
</tr>
<tr>
<td>Licensing agreements</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td>Pledges</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>
### European Patents effective in Bulgaria

<table>
<thead>
<tr>
<th>Requests</th>
<th>Filed</th>
<th>Performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificates of annual fees issued</td>
<td>8359</td>
<td>9359</td>
</tr>
<tr>
<td>Change of name/address of the holder</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Transfer of right</td>
<td>207</td>
<td>207</td>
</tr>
<tr>
<td>Licensing agreements</td>
<td>42</td>
<td>41</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>8619</strong></td>
<td><strong>9618</strong></td>
</tr>
</tbody>
</table>

### Industrial Designs

<table>
<thead>
<tr>
<th>Requests</th>
<th>Filed</th>
<th>Performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renewal of registration</td>
<td>111</td>
<td>111</td>
</tr>
<tr>
<td>Change of name/address of the holder</td>
<td>32</td>
<td>32</td>
</tr>
<tr>
<td>Transfer of right</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td>Licensing agreements</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Pledges, collaterals</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Refusal of rights</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>181</strong></td>
<td><strong>181</strong></td>
</tr>
</tbody>
</table>

#### 3.5.2. Patent Documentation and Service

In 2016 pursuing the function of the Patent Office to provide public access to information in the field of industrial property protection the topicality of the patent documentation was maintained including the collection of patent documents, official newsletters of patent offices and international organizations in the field of industrial property, theoretical publications and periodicals. The records of applications for industrial property objects are periodically revised if necessary.

Over the year the reading room at Central Patent Library (CPL) has served more than 300 external users. Documents and dossiers were provided to employers of the Patent Office so as to perform their daily duties (more than 260 requests were executed). Paper copies of more than 2300 documents were provided along with electronic copies from the Internet databases upon request by external uses and in order to ensure the activities of the Office. There were ongoing consultations and
provision of information in relation to the use of patent information and documentation and general questions concerning the protection of industrial property (IP) that were within the competence and expertise of the employees of the Office (including via e-mail and telephone)

In 2016, the tendency in the demand for information services remains stable relative to previous reporting periods.

3.5.3. Searches

In 2016 there was a total number of 5234 searches performed for external clients including state institutions as follows:

- 2278 name searches on natural persons and legal entities for the Committee for Confiscation of Unlawfully Acquired Assets, National Revenue Agency, Ministry of Interior and others as 711 were for patents, utility models, designs, and plant varieties and 1567 of them were for trademarks and geographical indications.
- 957 searches (2015 – 839) for external clients were in the field of inventions, utility models and industrial designs for novelty, prior art of the technology, patent purity, name searches, legal status and others:
  - in the field of inventions and utility models there were 345 searches (compared to 2015 - 202), including 16 under the Program on special Searches;
  - in the field of industrial designs – 30 searches (34 in 2015);
  - legal status, analogous patents, name and numerical searches – 582 (in 2015 - 461).
- 2089 (2287 in 2015) services in the field of trademarks and geographical indications as follows: 1335 – search for presence of identity and similarity with earlier trademarks, 614 subscription searches for monitoring of registered trademarks, 140 examinations of the legal status of trademarks/geographical indication, etc.

3.5.4. Industrial Property Representatives (IPR)

In the year 2016 one more training course for IPR candidates was organized and successfully conducted as the syllabus covered 2 modules: “Inventions and Utility Models” and “Trademarks Geographical Indications and Industrial Design” with a course length of 5 weeks. Overall of 47 IPR candidates were enrolled in the course.

The examination session for IPR started in December 2016 as there were 11 candidates sitting the “Inventions and Utility Models” module and 18 for the “Trademarks Geographical Indications and Industrial Design” module. Over the reporting period the topicality of registers and database of the Patent Office in regards to IPR was duly maintained- new representatives were entered, deletion and changes
in the address/name were performed and the latter were published on the webpage respectively the bulletin of the Patent Office. Block certificates for registration of IPR were further sent to the Office for Harmonization in the Internal Market.

**3.6. Dispute and Procedural Representation**

The Department of Legal Affairs and Disputes is focused primarily upon decisions on appeals and requests related to industrial property objects as well as decisions on deletion/invalidation of trademark registration, geographical indications, industrial designs and utility models, invalidation of a granted patent and protection certificates.

In 2016 a total of 10 requests in the field of inventions and utility models were filed as all of them were for invalidation of registration of a utility model and there were 7 appeals against decisions of the Examination Department. Over the reporting period there were 7 decisions on appeals against decisions of the Examination Department, 1 decision on request for invalidation of a granted patent for invention, 2 decisions on requests for invalidation of registration of a utility model and 1 decision on suspension of procedure for a Supplementary Protection Certificate.

During the year there were 10 requests for invalidation of registered designs filed. There were no appeals against decisions of the Examination Department. There were 13 decisions all of which were on requests for invalidation of design.
The total number of decisions of the Examination Department in the fields of inventions, utility models and industrial designs is 23 for the year 2016.

In 2016 there were 82 appeals against decisions on trademark registration, 37 requests for revocation and 40 requests for invalidation of registration. 61 of the appeals filed were against decisions on oppositions, 5 against decisions on cancelation of proceedings and 16 against decision by substantial examination.
A total of 199 decisions were issued as 50 of them were on requests for invalidation and 1 was initiated under invalidation procedure ex officio, 28 were on requests for revocation, 44 on appeals against oppositions, 18 on appeals against decisions of examination per se, 4 on cancellation of proceedings, 9 non-initiation of proceedings, 16 on cessation of proceedings, 15 on suspension of proceedings, 10 on resumption of proceedings and 5 on enforcement of judgements (2 decisions on requests for invalidation, 2 decisions on appeals against examination per se and 1 decision on appeal against opposition).

The decisions on appeals issued against oppositions constitute the following: 31 of them were for confirmation, 10 for revocation, and 3 for partial confirmation/revocation as 2 of the decisions for revocation (annulment) were due to withdrawal and opposition. Regarding the decisions issued on appeals against examination per se 13 of the latter were confirmed, 3 were repealed, and 2 were partially confirmed/repealed.
Regarding the decisions on appeals against decisions for cessation of proceedings all of them (4) were for revocation primarily owing to non-compliance of notification procedure. Concerning the decisions on requests for invalidation, 20 of them were considered well-founded, 21-unfounded and 9-partly unfounded. The decisions on requests for revocation issued were respectively 22 well-founded, 1 unfounded and 5-partially unfounded. As for the decisions on requests for non-initiation of proceedings 3 were issued on requests for invalidation, 2 on requests for revocation, 2 on appeals against substantial examination, and 1 – rejection to initiate proceedings for invalidation ex officio. Considering the decisions for cessation of proceedings 8 were on requests for invalidation, 6 on requests for revocation and 1 on appeal against opposition and 1 of the proceedings was terminated due to return decision for enforcement of judgement.
The activity of procedural representation is related to appeals against decisions of the Patent Office, including penalty of violation. During the year, a total of 104 appeals were received (168 for 2015) against acts of the Patent Office. Procedural representation on behalf of the Office before courts in Sofia and the country was performed under 292 cases (362 cases for 2015). There were 229 effective court decisions as 163 upheld the decisions issued by the Patent Office. Thus the share of the so upheld decisions is 71 %. The subject matter of the cases in which decisions have entered into force is mainly related to appealing the decisions of the Department of Legal Affairs and Disputes (165) and appealing against the penalty of violation issued (64). The court upheld 124 decisions of the Department of Legal Affairs and Disputes that have entered into force as respectively 41 cases were revoked.

The enacted judgments under administrative and criminal cases with which the court has ruled in favour of the Patent Office are 39 and under 25 of the cases the penalty of violation issued have been cancelled. The high number of repealed penalty of violation is due to various factors such as invalidation or revocation of the trademark / design upon issuing of penalty of violation.
3.7. Administrative and Punative Activity

The jurisdiction of the Patent Office also includes administrative and punitive activity comprising inspections on infringement of the rights of trademarks, industrial designs and geographical indications as well as enforcement of administrative penalty. During the reporting year there were 259 inspections performed (267 in 2015) as 231 acts of administrative offences were issued (214 in 2015) and there were 28 statements on lack of offence issued (192 in 2015).

There were 400 expert examinations and inquires submitted to pre-litigation authorities.

The Patent Office also pronounces on terminated prosecution files under Art. 172b of the Penal Code, sent to the latter by virtue of competence. For the year 2016, 58 prosecution files were submitted to the Office (80 in 2015).

Regarding the penalty of violation in force there were fines paid and pecuniary sanctions imposed on the offenders at total amount of BGN 39570.00.

4. INFORMATION ACTIVITY

The information activity of the Office covers publication, issuing a newsletter on industrial property objects, maintenance of the BPO webpage to disseminate
information about events and other news, seminars, training courses and other events related to raising public awareness towards the activities of the Office.

4.1. Official Gazette of the Bulgarian Patent Office

The Official Gazette is a monthly edition which has been published on the BPO webpage since 2009 in its full volume and contains information about all objects under protection administrated by the Office as well as the entries in the official registers, directories, and Intellectual and Industrial Property Representatives.

In 2016 all of the 12 ordinary issues of the Official Gazette were published at total volume of 10089 pages. Pursuant to international agreements for information exchange, it was sent to national institutions and international organizations aimed at industrial property and it was also sent to subscribers in the country, including PATLIB centres and university IP points.

4.2. Internet Webpage

In 2016 the topicality of the BPO website content was updated on an ongoing basis as it covers more than 120 rubrics.

Various information materials were published: official announcements, news related to the activities of the Office, statistical data, information about public procurements, information about various project stages, in which the Office participates, updates on draft regulatory acts, up-to-date information on entries and changes in the list of Industrial Property Representatives as well as information related to protection of industrial property, records of undelivered correspondence and other relevant information.

4.3. Other Publications

Two newsletters were issued as they cover the innovations in practice regarding the trademarks and designs in Bulgaria and Europe and the new cooperation projects in the field. A brochure on the advantages of the harmonized database for goods and services for registration of trademarks and designs in the EU was also issued.

In 2016, as of implementing public relation activities over 40 materials were prepared for posting on the BPO webpage, most of which were also sent to the media. Communication and contacts with leading print and electronic media were established
in relation to publishing of information on the activities of the Office and interviews alike.

4.4. Annual Reports of the Patent Office

The annual report of the Office for 2015 was published as it combines the essential aspects of the overall activities of the institution during the reporting period in regards to the various industrial property objects.

The annual technical reports for the year 2015 were completed and sent to EPO and WIPO along with the annual statistics on all Industrial Property objects administered by the Bulgarian Patent Office.

4.5. Seminars

Raising public awareness in the field of Industrial Property has been one of the priorities for the Patent Office and a lot of efforts have been made in this direction in order to achieve the goals set via constant, purposeful, and consistent actions. The regular organization of seminars have been substantial part of the activities of the Office and it has direct impact on the users of services offered by the institution. The information on the ongoing and already held seminars has been constantly updated on the Office webpage.

In 2016, in pursuance of the Patent Office function to popularize industrial property, various events in the field were organized and conducted.

A seminar on the following topic was conducted: “Protection of Geographical Indications: Lisbon System and other Legal Means of Protection”. It was organized in cooperation with the World Intellectual Property Organization with panellists from various countries. The seminar, which was attended by representatives from 9 countries from East Europe, was aimed at information exchange in the field of protection of geographical indications and the possible options for protection of products with specific qualities as well as sharing best practices from around the world and their implementation. The event was focused on manufacturers of traditional products typical of particular regions in the country and presented the practical effect of the use of geographical indications as a market tool and the ways in which protection of such can be obtained.

In April 2016, the Patent Office hosted a workshop jointly organized with the European Patent Office entitled "Procedure for the Issuance of a European Patent. Preparation for a Patent with Unitary Effect within the EC ". The seminar was attended by more than 70 people.
In October 2016, an international training course was held in Sofia by the European Patent Academy on "Efficient Dialogue between Patent Examiners and Attorneys/Applicants". Two representatives of the BPO participated as key note speakers.

4.6. Other events

On November 10, 2016, the traditional "Inventor of the Year" Awards Ceremony took place in three categories - "Electrical Engineering and Electronics", "Machine Building and Construction" and "Chemistry and Biotechnology" as well as "Innovative Company of the Year". There were three nominees for each category namely inventors and inventive teams with patents for inventions issued in the previous year. In the Electrical Engineering and Electronics category there were 13 patents for inventions nominated and 5 competing in "Machine Building and Construction", and 9 in the category "Chemistry and Biotechnology".

Two companies working in the field of metallurgy and electrical engineering and electronics were awarded "Innovative Company of 2016" award.

Two scientists were entered for their overall contribution to technical and natural sciences and inventive activities in the Golden Book of Bulgarian Discoverers and Inventors.

There was a 6-member jury of representatives of the Bulgarian Patent Office, the Union of Inventors in Bulgaria, the Bulgarian Academy of Sciences and the Technical Universities, which awarded the winners in the categories.

5. INTERNATIONAL COOPERATION
The activities of the Office in terms of international cooperation are directly related to Bulgaria's membership in international organizations in the field of intellectual property protection. In 2016, the line of cooperation with the three leading organizations in the field - the World Intellectual Property Organization (WIPO), the European Union Intellectual Property Office (EUIPO) and the European Patent Office (EPO)-was actively maintained. The bilateral cooperation with institutions in the field of intellectual property of other countries has also been carried out.

In the context of the forthcoming Bulgarian Presidency of the Council of the EU in 2018, there were bilateral visits to the Czech and Hungarian Intellectual Property Offices carried out in order to exchange experience and share good practices.

In 2016, a new Working Plan for Cooperation with the National Intellectual Property Centre of Georgia - SAKPATENTI, was signed in Georgia. The plan provides for exchange of information and best practices on topical issues of industrial property protection at national, European and international level, as well as regular exchange of visits, the first of which was carried out in July 2016.

A delegation from the Romanian State Office for Inventions and Trade Marks took a short visit to Sofia to exchange good practices using the IPAS administration system.

There has also been a significant development of multilateral and bilateral cooperation with the State Industrial Property Office of the People's Republic of China. A new memorandum of cooperation has been drafted and further signed. In this respect, bilateral visits were exchanged both on a bilateral basis and on the Silk and Road Belt initiative. BPO representatives participated in a Beijing seminar on IP strategies and policies.

5.1. European Union

In fulfilment of Bulgaria's obligations arising out of its membership in the European Union (EU), representatives of the Patent Office participated in the meetings of the different formats of the Intellectual Property Working Parties and Committees at the Council of the EU in 2016 for drafting and discussion on EU acts. The BPO representative at the Permanent Representation to the EU and national experts worked on the preparation and discussion of documents related to different areas of industrial property.

The following activities were also performed: discussion and coordination of EU positions for the IPC meetings; the Committee for the International Registration of Marks under the Madrid Agreement; the Standing Committee on the Law of Patents
The Office was also represented in the EC expert groups: Industrial Property, the Committee on Application of the Community Trade Mark Regulation and the Trademark Subgroup to the Expert Group on Industrial Property Policy (both of which were concerned with the adoption of implementing rules of the Regulation and the Community Trade Mark Directive), technical meetings "Discussing Intellectual Property Rights Clauses in Free Trade Agreements", sub-group "Trade Secrets Directive" (for implementation of the document at national level) and others.

The BPO representative also participated in the following events: "Shaping the Future of Intellectual Property" Conference in Bratislava, Slovakia, 07-09 November 2016 (organized by the Slovak Presidency); Seminar on "Contribution of Geographical Indications for Non-agricultural Products to Inclusive Economic Regional Development" (within the European Week of Regions in Brussels), Seminar on "Reforming the European Trademark Protection System and the Impact of Brexit on the Intellectual Property Rights".

The Office has also established a procedure for preparing and adoption of the Protocol on implementation of the Unified Patent Court Agreement.

5.2. European Patent Organization

Bulgaria is a full member of the European Patent Organization (EPO) along with 38 other states. BPO representatives attend regularly the Administrative Board and Budget Committee meetings of the European Patent Office. The aim of the meetings is to coordinate actions in the field of patent protection in the member states, as well as the reports of the EPO on the financial state and budget of the organization.

The European Patent Office supports the qualification of experts (seminars, exchange of experience, language courses), the implementation of the programme set forth by the National Office and other activities (provision of software products, expert assistance in implementation and maintenance), participation in joint projects, joint seminars for various target groups, support for initiatives in the field of cooperation with universities for training in industrial property, provision of information on industrial property objects.

As part of the Plan, BPO representatives participated in international meetings and trainings organized within the framework of the European Patent Network.

There has been successful work in the field of supporting candidates for sitting the examination before the European Patent Office in order to obtain the rights of European patent agents. In 2016, two Bulgarian candidates received the approval of the National Committee for inclusion in the exam preparation course and were presented to the European Patent Office.

The BPO representative in his capacity of a member of the Committee for Preparation, Organization and Conduct of the Annual conference of the Patlib Centers was actively involved in drafting the agenda of the annual conference, which was held in May 2016 in Helsinki. More than 200 representatives of various national and international organizations took part in the conference.

A delegation from the European Patent Office visited Bulgaria in October to make an annual review of the implementation of the Bilateral Cooperation Plan. The further activities have been outlined in the short and long-term aspect of development.

In November, the Vice-President of the European Patent Office, Zeljko Topic, participated in the Inventor of the Year and the Innovative Company of the Year Awards Ceremony.

5.3. European Union Intellectual Property Office

In 2016, the cooperation between the Bulgarian Patent Office and the European Union Intellectual Property Office continued successfully in the direction of developing the activities under the Technical Cooperation Agreement as of 2016 and the Cooperation Fund Projects.

On January 4, 2016, a new cooperation agreement was signed between the Patent Office of the Republic of Bulgaria and EUIPO, which includes 1 project under the portfolio of the Convergence Program, namely "Harmonization of the product names", and 3 projects under the portfolio of the new "European Cooperation Projects" as
follows: ECP2 - Major Front Office Improvements; ECP2 - Basic improvements to the common portal; ECP4 - Co-operation Network.

The Convergence Program includes a total of seven projects, five of which are related to trademarks and two to designs, promoting the harmonization of trademark and design practices across Europe, the application of a uniform approach to trademark registration decisions and designs, which is part of the Strategic Development Plan of the EUIPO. The seven projects on which the EUIPO is working jointly with the national offices are as follows:

1. Harmonization of the goods and services classification practice for the purpose of trademark registration;
2. Common interpretation of class headings under the Nice Classification;
3. Absolute grounds for refusal of trademarks comprising figurative elements;
4. Scope of protection with respect to other colours in black-and-white trademarks;
5. Dealing with non-distinctive elements of the trademarks in the context of relative grounds for refusal;
6. Graphical representation of industrial designs;

The projects concerning trademarks have been completed in previous years, and the design projects were completed in 2016. Since July 2016, upon successful completion under the guidance of the EUIPO, the implementation of harmonized practice on image expertise in industrial design protection came into effect.

Another group of projects under which the Patent Office of Bulgaria cooperates with the EUIPO are the European Cooperation Projects, which are divided into 5 directions, aiming at modernizing and simplifying the national systems for trademarks and designs via online services; harmonizing the systems of trademarks and designs; assisting national offices with promotion and enforcement of trademark and design rights.

The BPO hosted a visit of a delegation from the EUIPO in regards with launching of the European Cooperation Projects.

Pursuant to the Technical Cooperation Agreement of 2016, the Patent Office has been actively involved in promoting in public the European Trademark and Design Network and Intellectual Property Network as a whole. Within the framework of the
Agreement, "Intellectual Property Days" were held in 10 universities in the country and there were two newsletters issued as reflecting the latest developments in the practice of trademarks and designs in Bulgaria and Europe, and the new cooperation projects in the field of trademarks and designs. There was a brochure issued, aiming to introduce the applicants and trademark owners with the benefits of using the harmonized data base for goods and services for the purposes of trademark registration.

5.4. World Intellectual Property Organization

In 2016, the BPO representatives took their regular participation in the meetings of the General Assemblies of the World Intellectual Property Organization Member States and in the meetings organized by some of the committees.

The joint IPAS activity continued within the framework of cooperation with the World Intellectual Property Organization- an administrative information system with independent modules for all industrial property objects developed and disseminated by the World Intellectual Property Organization. There were two working visits to Bulgaria on this topic.

5.5. Other

In 2016, the Patent Office of the Republic of Bulgaria continued to chair Working Group 34 "Protection of Intellectual and Industrial Property" at the Council for European Affairs, which prepares draft positions of Bulgaria on EU acts.

Furthermore, BPO representatives participate in Working Group No 30 - "EU Enlargement" and Working Group No 25 "Trade and Foreign Economic Policy" of the Council for European Affairs.

A significant activity was carried out over the year in order to intensify the bilateral cooperation of the Republic of Bulgaria in the field of industrial property protection.

6. FURTHER ACTIVITIES OF THE BPO

6.1. Information technologies

The maintenance of the registers and information systems of the Patent Office continued in 2016. The State registers for all industrial property objects are maintained and updated and all entries are recorded monthly in the Official Bulletin of the Office.

The activities related to the upgrade and improvement of the IT infrastructure of the Office are also ongoing.
At the beginning of 2016, the implementation of the project for upgrading the document flow of the Patent Office - Axter, and its integration with the internal information system was successfully completed.

A project for upgrading the Patent Office's electronic services portal was also launched. Further steps have also been taken to develop new software modules for the integration of the Patent Office with the Federated European Patent Register, maintained by the European Patent Office.

The commitments under the first phase of the project to improve the search system of the European Patent Office "Espasenet", intended for users of industrial property services, have been fulfilled.

In 2016, nine new electronic services for the citizens and business related to industrial design, as well as two services related to trademarks were adapted, integrated and updated with the latest versions of the so launched in 2015.

A new e-service has been introduced - "Industrial Property Objects Inquiries", which is available on the e-services portal of the Office.

Under the European Patent Network Cooperation Program with the European Patent Office, a software module for electronic filing of patent applications e-OLF was granted to the Office, which was adapted and integrated within the framework of the aforementioned project "Improving the Information and Communication Environment for Application, Examination and Registration of Industrial Property Objects to Achieve Interoperability at National and European Level and to Provide Better Administrative Services to Citizens, Businesses and Public Institutions."

At the beginning of the year, some of the server and communications equipment was replaced, and there was migration and improvement of the IT infrastructure for e-services, and there also was a supply of equipment for individual work places and mobile computers.

With the successful implementation of the planned technological and infrastructure changes, the Office has taken a serious step forward in building up a modern, compliant user-friendly IT environment with relevant, widely available e-services.

6.1.1. Activities and projects within the framework of cooperation with the European Patent Organization
Representatives of the Patent Office of the Republic of Bulgaria took part in the meetings of the Monitoring Committee under the Operational Program "Innovation and Competitiveness" 2014-2020

6.2. Organizational Structure and Human Resources

The organizational structure of the Office for the reporting year 2016 is shown in the chart below. The administration of the Office consists of four directorates in a specialized administration and two directorates in a general administration.

Organizational Structure of the Patent Office – December 2016
6.2.1. Staff Number and structure

The approved staff number of the Office is 114 permanent positions. As of December 31, 2016 the occupied positions were 99.

In 2016 there were 27 contracts terminated as 13 new employees were recruited under service contracts and 6 under labour contracts. 9 of the civil servants were appointed as substitutions under Art.15 of the Civil Servants Act. In 2016 there were 11 competitive selection procedures for appointment of civil servants.

6.2.2. Enhancing the Administrative Capacity

In 2016, the Patent Office actively participated in the training courses for professional development of public administration employees offered by the Institute of Public Administration, the European Patent Academy, the Academy of EUIPO, the WIPO and other training organizations.

There was also an in-company English language training course for the employees of the Patent Office.

The training procedures included the preparation and approval of the annual plan for mandatory and specialised training, coordination and filing applications to education and training organisations, communication and ensuring the participation of the employees in the seminars on schedule, monitoring the execution of the annual plan
for mandatory and specialised training for the respective year, coordination and clarification of the changes with the relevant training organisations.

All in all there were 44 trainings carried out in 2016 by the listed organisations as 110 employees enrolled and attended them:

- trainings organised by the European partners, EUIPO and WIPO - 30 employees
- Civil servants, who completed training in the Institute of Public Administration - 24 employees; mandatory training of newly appointed civil servants for the year 2016 - 4 employees.
- Other training organisations in Bulgaria - 56 employees.

6.3. Administrative Activity

The Annual Report on the State of the Administration was completed in 2016. The Report on the Implementation of the Objectives of the Office for 2015 was also completed and submitted to the Council of Ministers and the Ministry of Economy as the goals set for the year 2016 were approved along with the report on the implementation of the programming budget for 2015.

In order to ensure the continuous process and activities, the Office conducted six public procurements, two of which were held under open procedures, one under negotiation without notice, two under public calls, and two under competitive bidding procedures.

Another activity which was also performed was to ensure access to public information in accordance with the requirements set forth in the Law on Access to Public Information. In 2016 a total of six requests for access to public information were examined as the respective decisions were issued for all of the latter. One request for access to public information was rejected.
6.5. Budget

The Patent Office is a secondary administrator with a budget approved by the Minister of Economy. The so approved budget determines the amount of funds, which the Office has at its disposal to perform its activities and the amount of funds to be received as revenue in the state budget.

As a result of the efforts made by the management body there is revenue over-performance of the approved budget.
Overall, for the year 2016, the state budget expenditure amounts approximately 21% (BGN 2 443 million) compared to the total revenue of the Office.

**Revenue**

The planned revenue of the Patent Office, approved by the State Budget Act for 2016, amounts to BGN 8 041 500 and the specific revenue plan as of 31.12.2016 has increased to BGN 8 093 628 including the incomings from grants and donations from abroad (BGN 52 128). At the end of the year, the total revenue received from the budget of the Patent Office amounted to BGN 11 669 194, which represents over-performance of the budget amounting at BGN 3,627,694 and thus exceeding the planned amount. The revenue from services (IPR courses, searches, photocopying, etc.) increased from BGN 212 662 in 2015 to BGN 243 179 in 2016. The relative share of service revenue for 2016 remained at around 2% of the total revenue of the Office in the state budget. The Patent Office also reports revenue from sanctions and fines on the basis of penal provisions with regards to infringed rights under the Law on Trademarks and Geographical Indications.

The amount of the revenue from fines and pecuniary sanctions of the Patent Office is BGN 47.1 thousand, of which BGN 40 thousand is voluntarily collected in 2016, and the amount levied through the NRA is nearly BGN 7 thousand. Compared to 2015,
the reported revenue from fines and pecuniary sanctions amounts to a total of BGN 45.5 thousand.

In the previous periods, the largest share from non-tax revenue reported by the Office was attributed to state fees for registration of trademarks pursuant to the national route. In 2016, the reported state fees for trademarks and geographical indications pursuant to the national route (BGN 4,051.6 thousand) are almost equal with the revenue from validation fees and annual maintenance of European patents (BGN 4,043.7 thousand). There is a stable trend for increase in revenue from annual fees for European patents.

Revenue from WIPO is also reported under the Madrid Agreement on Trade Marks - BGN 1 123 023 and under the Madrid Protocol and the Hague Agreement (for designs) - BGN 396 432 as the total share of revenue from WIPO is 13.02% in the state budget from the revenue generated by the Office.
**Expenditure**

The expenses set forth in the State Budget Act regarding the Patent Office for the year 2016 are at the amount of BGN 2,443,264 and as a result of further approved additional funds of BGN 400,000 for maintenance, the expenses under the specified plan increased to BGN 2,967,584.

This provided an opportunity for complete renovation of the premises and corridors in the building of the Patent Office.

The staff budget was increased by BGN 39,000 in connection with the necessary structural changes and retirement of employees.

As of 31.12.2016, the reported budget expenditure amounts to BGN 2,960,413 or 16% more compared to 2016 (BGN 2,542,172).
The expenditure for staff is 60.96% (salaries, remuneration and social security payments) has a predominant place in the budget expenses- BGN 1,804.6 thousand.

The maintenance expenditure along with the fees and taxes paid, represents 32.08% of the total budget expenses and, compared to 2015, it has increased by 10.3%.

What follows next are the expenses for WIPO membership fee - 3.7% of the total expenditure and again with a minimal relative amount in the budget expenditure is the capital expenditure - 3.3% for 2016 or BGN 97.9 thousand.
7. STATISTICAL DATA

Applications for inventions and utility models 2015 – 2016 by field and applicant

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<th>FIELD</th>
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<td>Utility Models</td>
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<td>Chemistry, Pharmaceuticals</td>
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<td>Machine building</td>
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<td>TOTAL Bulgarian and foreign applicants</td>
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<td>241</td>
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Decisions issued on applications for patents, registration of utility models and supplementary protection certificates (SPC) in 2016

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<tr>
<td>Cancelled, refused, withdrawn applications</td>
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<td>Withdrawn or not dated at the examination of the formality requirement stage</td>
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Applications for inventions by Bulgarian applicants for 2006-2016

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Filed requests and European patents in force on the territory of the Republic of Bulgaria during 2006-2016

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Filed requests for utility models during 2012 – 2016

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Filed applications for industrial designs pursuant to the national Route during 2012-2016

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Decisions on Applications for Industrial Designs during 2012-2016

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Decisions on Applications for Registration of Trademarks for 2014

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Appeals and Requests during 2012 – 2016

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Revenue from State Fees for IP Objects during 2012 – 2016 in Thousands of BGN

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Expenditure of the Patent Office Specified in the Budget during 2012 – 2016 in Thousands of BGN

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