

PROTECTION OF INVENTIONS WITH INDUSTRIAL PROPERTY TITLES





HELLENIC INDUSTRIAL PROPERTY ORGANISATION

OBI has the sole competence for the protection of inventions and industrial designs in Hellas and dissemination of technological information through industrial property titles.



WHAT IS AN INVENTION

Anything that has a technical character

Representative categories:

- Devices & machinery
- Individual modules of devices and machinery
- Systems & arrangements of devices & machinery
- Production methods in the field of industry
- Information distribution and processing methods in Information Technology and telecommunication systems
- Chemical substances, compounds & products, as well as their production methods
- Uses of all the aforementioned



WHAT IS NOT CONSIDERED AN INVENTION (according to Law N. 1733/87)

- Discoveries
- Scientific Theories
- Mathematical Methods
- Aesthetic Creations
- Programs for computers (software)
- Methods for financial activities
- Presentation of information
- Plant and animal varieties
- Diagnostic Methods
- Therapeutic and surgical methods



WHAT IS THE BEST PROTECTION FOR SOFTWARE

- The software is patentable ONLY by copyright
- If the method (operation, process etc.) performed via the software has a *technical character*, is *new* and *inventive* **then and only then** a Patent can be granted
 - The technical method performed via the software **regardless** the programming language and the implementation environment, is patentable



TO WHOM DOES THE INVENTION BELONG TO

- ✓ The right to an industrial property title shall belong to the inventor or the beneficiary
- ✓ If more than one persons have jointly made the invention, the right shall belong to all of them jointly
- ✓ If more than one persons have made the invention independently of each other, then the right shall belong to the person whose patent application has the earliest date of filing



TO WHOM DOES THE INVENTION BELONG TO

- ✓ If **service invention** (outcome of of contractual relation between the employer and the employee), the right belongs to the employer
- ✓ If **dependent invention** (invention made by an employee with the use of means of the enterprise in which he/she is employed), then the right belongs by 40% to the employer and by 60% to the employee and the application is jointly filled.



MAIN PROTECTION TITLES

- ✓ Patent
- ✓ Utility Model Certificate (UMC)
- ✓ Certificate of Registration of Industrial Designs or Models



PATENT

- is granted for
 - new inventions
 - involving an inventive step
 - susceptible of industrial application
 - It concerns a product, method or use
 - Is valid for 20 years
 - The novelty of the invention is checked by drawing up a search report



PATENT

The application for a Patent to be granted can be:

- National
- European (EPO) *
- International (WIPO)**

*EPO: European Patent Office www.epo.org

**WIPO: World Intellectual Property Organisation www.wipo.int

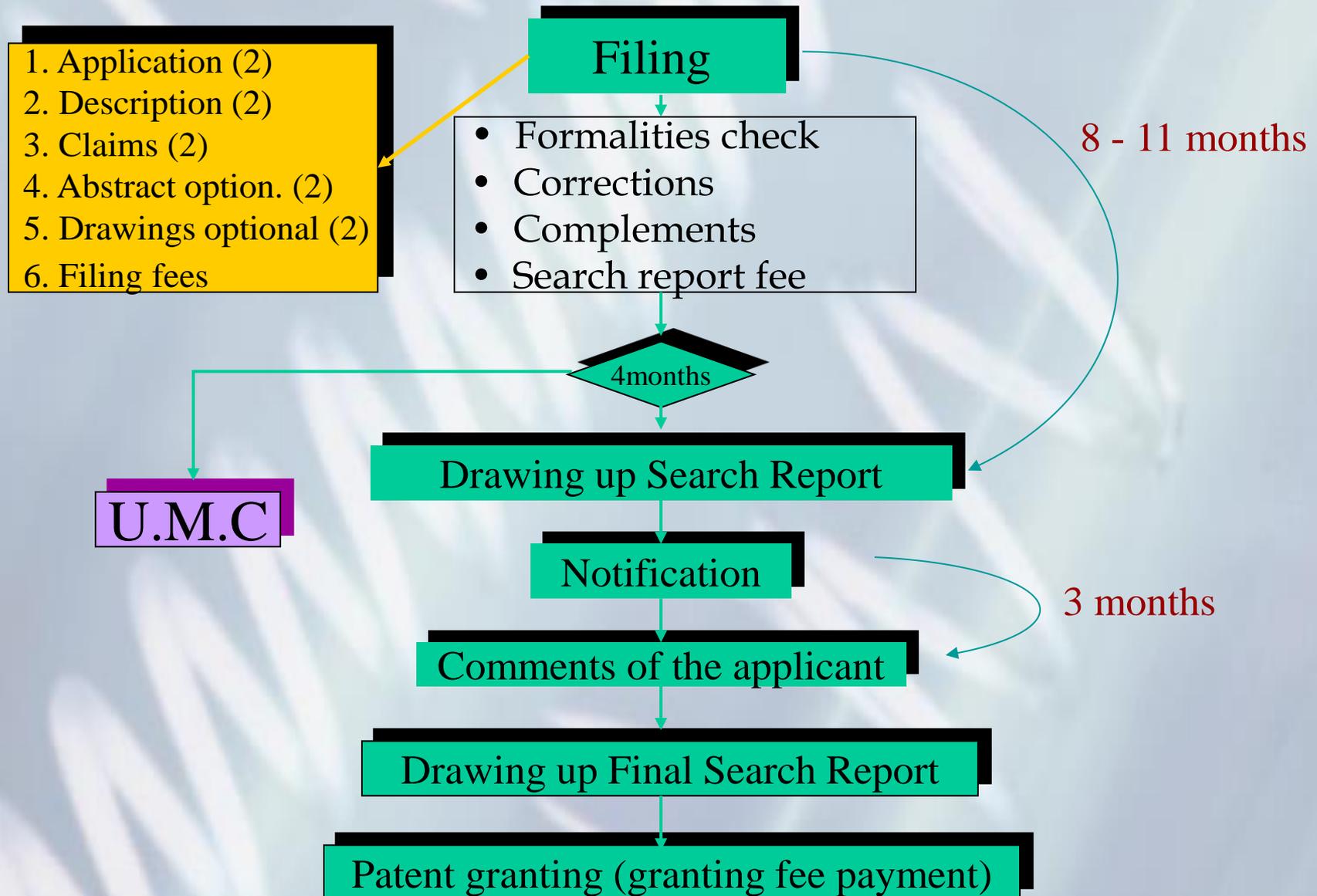


UTILITY MODEL CERTIFICATE

- Is granted for
 - new objects
 - with definite shape and form
 - industrially applicable
- Is valid for 7 years
- The novelty of the invention is not checked



PATENT and UMC GRANTING PROCEDURE



CERTIFICATE OF REGISTRATION OF INDUSTRIAL DESIGNS OR MODELS

- It concerns the outward visible appearance of the whole or part of an industrial or handicraft product resulting from the specific features thereof, such as the lines, the outline, the shape, the form or/and the materials of this product or/and of its decoration
- It is valid for 5 years and can be renewed every 5 years for up to 25 years maximum



OBI's ADDITIONAL RESPONSIBILITIES

- it registers the topographies of semiconductor products
- it registers Technology Transfer Contracts
- it issues Supplementary Protection Certificates for Medicinal Products and Plant Protection Products
- **it receives European and International Patent Applications**
- **it receives International Industrial Designs applications**
- **it receives Community Industrial Designs applications**
- it publishes the monthly Industrial Property Bulletin
- it prizes awards



REGISTRATION OF TOPOGRAPHIES OF SEMICONDUCTOR PRODUCTS (P.D. No 45/1991)

IT IS REQUIRED

- Filing of an application, which must contain:

- regular application
- ✓ complete personal particulars
 - ✓ a description of the topography
 - ✓ a declaration of the date when the topography was first exploited on a non-confidential commercial basis
 - ✓ filing fees

It is attached: (within 4 months from the initial filing)

- complete application
- Drawings or images to which the description refers
 - The material that is a representative sample of the topography
 - The depositor's documents of legitimation

It is valid for 10 years from

- the end of the calendar year during which the topography is first commercially exploited
- or
- the end of the calendar year during which the application for registration has been filed with OBI



REGISTRATION OF TECHNOLOGY TRANSFER CONTRACTS (M.D. 5326/EFA/485)

◆ WHY ?

- In case of a suit to the court, a written confirmation of OBI is required, indicating that the contract has been registered

◆ WHEN ?

Within 1 month from its conclusion

◆ HOW ?

- A copy of the contract /or
- Fill in a special form, which contains:

- ✓ complete personal particulars of the technology recipient
- ✓ complete personal particulars of the technology supplier
- ✓ the subject matter of the contract
- ✓ the date of the beginning of practice and the expiration of validity of the contract
- ✓ the general content of the contract and the type of co-operation with the technology supplier

- Filing fees



SUPPLEMENTARY PROTECTION CERTIFICATE FOR MEDICINAL PRODUCTS & PLANT PROTECTION PRODUCTS

(M.D. 14905/EFA/3058, MD 30560/544)

IS GRANTED:

- to the holder of the basic patent
- only for one product
- for a product that has not already been the subject of a certificate
- for the product protected by a basic patent in force
- for the medicinal product or the plant protection product that has been granted a valid authorization to be placed on the market (the 1st authorization to place the product on the market as a medicinal product), provided the deposit will take place within 6 months from the date of the 1st authorization to place the product on the market



RECEIVING OF EUROPEAN PATENT APPLICATIONS (P.D. 77/1988)

WHAT IS IT:

A protection title granted on the basis of a unified filing and examination procedure in the European states that have signed the European Patent Convention (EPC).

The filing should take place within 12 months from the first national filing

WHAT IS REQUIRED:

- ✓ Application
- ✓ Description
- ✓ Claims
- ✓ Abstract
- ✓ Drawings (if there are any)

In 3 copies in Greek (a 20% deduction from the filing/ examination/ appeal fees)



INTERNATIONAL APPLICATION PATENT (PRESIDENTIAL DECREE 16/1991)

What is an international patent application?

It is a patent application filed in conformity to an international multilateral convention signed by states of different continents.

WHAT IS REQUIRED ?

- ✓ Application
 - ✓ Description
 - ✓ Claim
 - ✓ Abstract
 - ✓ Drawings
 - ✓ Priority Certificate
 - ✓ Authorisation form (if any representative designed)
- } 3 copies translated into one of the three official languages



INDUSTRIAL PROPERTY TITLES PUBLICATION

INDUSTRIAL PROPERTY BULLETIN

Monthly Edition

■ VOLUME A'

Registration of:

- bibliographic data, abstracts and distinctive drawings of patent and utility model applications
- published patents and utility models
- european patents where Greece is designated

The patents, utility models are published 18 months after the first filing date or earlier if has been effected before.

■ VOLUME B'

Registration of the Industrial Designs and Model Certificates

The industrial designs are published 4 months after the filing date

■ VOLUME C'

Annulments - Revocations



FINANCIAL OBLIGATIONS

- Annual fees should be paid one year in advance up to the last day of the month within which the application for the acquisition of an industrial title has been filed.
- Fees with an increment of 50% should be paid for a period of six months and after the expiry of the aforementioned date.
- In case of no response to the payment obligation and after the expiry of the day limit designed for the payment of the annual fees, the owner of the title forfeits any right to his title while his invention is considered of common use.

The list of fees is yearly renewable by OBI's Administrative Council and has effect, if not differently defined, for the forthcoming year.

