

INTRODUCTORY NOTE

The revised and reviewed edition of this booklet aspires to offer an extended presentation of the legal framework governing inventions and technology transfer in Greece.

Apart from more recent transcripts, it contains full texts of the most important laws or decrees and a reference to the relevant legislation.

The Industrial Property Organisation (O.B.I.) remains in hope that this booklet will stand for promoting and transferring the knowledge required for the protection of inventions and inventors.

**LEGISLATION RELATED TO INVENTIONS, DESIGNS AND MODELS,
TECHNOLOGY TRANSFER
AND
TOPOGRAPHIES OF SEMICONDUCTOR PRODUCTS**

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PART ONE

INDUSTRIAL PROPERTY ORGANISATION (O.B.I.)

Article 1.

Foundation - Aim

1. A legal entity under private law⁽¹⁾ shall be founded under the name Industrial Property Organisation (O.B.I.), with seat at Athens, and under the tutelage of the Ministry of Industry, Energy, and Technology.

2. The aim of O.B.I. is to contribute to the technological and industrial development of the country through the practice of the following competencies:

- a. Grant of patents, patents of modification and utility model certificates, as well as rendering opinions for the conclusion of non-contractual licences within the meaning of article 13;
- b. Registration of contracts concerning technology transfer;
- c. Cooperation with similar organisations in other countries, international organisations, research and technological centers of the country as well as connection with organisations and data banks;
- d. Preparation and monitoring of the implementation of international conventions on matters related to patents and technology transfer;
- e. Representation of Greece at international organisations by decision of the

competent Ministers, as the case may be.

- f. Rendering of consultation and information on new technologies and knowhow, under reserve of the dispositions of this law with regard to the confidential registers, records, and rolls;
- g. Monitoring and follow-up of the use of inventions and technical innovations, and of the transferring technology in Greece and abroad;
- h. Classification of inventions and of contracts on technology transfer by category of use taking into account the internationally established criteria.

Article 2.

Administrative Council

Structure - Function - Competencies

1. O.B.I. shall be directed by a seven-member Administrative Council composed of⁽²⁾:

- a. Two representatives of the Ministry of Development;
- b. One jurist specialized in industrial property matters, one searcher from a research centre or a higher education institution, with knowledge and experience in matters related to industrial property, and an executive from the

(1) *O.B.I. has been exempted from the public sector under Presidential Decree No. 232/14.07.1992*

(2) *Paragraph 1 of Article 2 is cited as amended by Article 27, Par. 1 of Law No. 2516/1997*

industry with experience and knowledge on industrial property matters. The above-mentioned members are selected by the Minister of Development.

- c. One technical scientist with knowledge and experience on matters related to industrial property to be proposed by the Technical Chamber of Greece (T.E.E.).
- d. One representative of OBI's employees elected and recalled from the totality of the working force. In case the said representative is not elected, the Administrative Council shall legally meet even without the participation of said representative.

2.(1)

3. The Administrative Council of O.B.I. and the Director General shall be appointed by decision of the Minister of Industry, Energy, and Technology for a four-year term of office. The Chairman and the Vice-Chairman of the Administrative Council shall be appointed by the same decision. The Chairman of the Administrative Council may be assigned with the duties of the Director General of O.B.I. The term of office of the members of the Administrative Council and of the Director General of O.B.I. may be renewed (2).

4. The competencies of the Secretary of the Administrative Council shall be practiced by an employee of O.B.I. to be appointed along with his deputy by decision of the Chairman of the Administrative Council.

5. The compensation per session of the Chairman, the Director General of O.B.I., the Vice-Chairman, the members and the Secretary of the Administrative Council is to be determined by joint decision of the Minister of Industry, Energy, and Technology and the Minister of Finance. The number of

meetings may not exceed a total of four per month.

6. The Administrative Council shall meet upon summons by its Chairman, regularly twice per month and extraordinarily if so requested by the Chairman or the majority of the members of the Administrative Council. In the latter case the Chairman shall obligatorily convene the members of the Administrative Council within five days from the date of the written notification of the request of the majority. This notification shall also state the items on the agenda.

7. The Administrative Council shall be in quorum when at least four (4) of its members are present. The decisions of the Administrative Council shall be made by absolute majority of its attending members and in case of equality of votes the vote of the Chairman shall prevail.

8. The duties of reporter shall be fulfilled by the Director General of O.B.I. or the Deputy Director General and occasionally the directors as well as members of the Administrative Council also assigned with special tasks, if the Chairman of the Administrative Council has been also assigned to the duties of the Director General⁽³⁾.

9. The minutes of the Administrative Council shall be signed by the Chairman, the members and the Secretary.

10. The Administrative Council shall decide on every subject related to the practice of the competencies, the administration and the staff of O.B.I. More specifically, it shall:

- a. Set up the regulation of organisational structure of O.B.I., the regulation regarding the status of the staff of O.B.I., the financial status of O.B.I., and the rules of procedure of the Administrative Council

(1) **Paragraph 2 of Article 2 is abolished by Article 27, paragraph 2 of Law No. 2516/1997**

(2) **Paragraph 3 of Article 2 is cited as replaced by Article 18, paragraph a of Law No. 1739/1987**

(3) **Paragraph 8 of Article 2 is cited as replaced by Article 18, paragraph a of Law No. 1739/1987**

- of O.B.I., and shall submit them for approbation to the Minister of Industry, Energy, and Technology;
- b. Decide with regard to the means for attaining its goals and elaborate its long term and short-term plans of action, which it shall submit for approbation to the Minister of Industry, Energy, and Technology;
 - c. Decide on the annual budget and its necessary amendments and shall submit it for approval to the Minister of Industry, Energy, and Technology;
 - d. Decide on the recruitment of staff, on their emoluments and their indemnities, the emoluments of the Director General included, and on every matter concerning their professional status in office;
 - e. Establish regional services and branch offices in Greece and abroad;
 - f. Compile the annual balance sheet and annual financial report of O.B.I., the relevant dispositions on Limited Companies applied thereto;
 - g. Determine the fees and revenues of O.B.I. arising from the rendering of services;
 - h. Entrust organisations and other natural persons or legal entities with studies, investigations, and works related to the realisation of the goals of O.B.I. and determine the remuneration to be paid.

11. The Administrative Council may, by decision, assign part of its competencies to the Director General of O.B.I., to the Deputy Director General or to other senior employees of O.B.I.

12. The Chairman of the Administrative Council shall determine the items on the agenda under reserve of art. 2 par. 6, summon the members of the Administrative Council to meetings, and follow up the

implementation of the decisions of the Administrative Council. In case of absence of the Chairman or his inability to attend the Vice-Chairman shall preside the meeting of the Administrative Council.

13. The Director General of O.B.I. ⁽¹⁾ shall have the following competencies:

- a. He shall be responsible for the implementation of the decisions made by the Administrative Council;
- b. He shall head the units of O.B.I. and provide for their normal and effective function;
- c. He shall extrajudicially or judicially represent O.B.I. and be entitled to entrust, by act, according to the case or category of case, the representation to the Deputy Director General or to a member of the Administrative Council, to a lawyer of O.B.I. or, for specific matters, to an employee of O.B.I.
- d. By his act and in compliance with the dispositions of the law, he shall grant patents, patents of modification and utility model certificates, issue opinions in accordance with article 13 regarding grant on non-contractual licences, as well as any other certificate, affirmation or document for supply of information defined by the present law.

Article 3.

Resources - Management - Supervision

1. O.B.I. shall have the following regular and extraordinary resources:

- a. Fees and income arising from rendering of services;
- b. Special financing from the budget of the Public Investments Programme;
- c. Special financing from subsidies,

(1) *The first period of paragraph 13 of Article 2 is cited as replaced by Article 18, paragraph b of Law No.1739/1987*

donations, inheritance, legacy, and contributions of any kind from legal entities and natural persons.

2. Following approbation of the Minister of National Economy and of the Minister of Industry, Energy, and Technology, O.B.I. may contact loans with banks and credit organisations in Greece or abroad.

The guarantee of the Greek state may be given for the grant of the aforementioned loans.

3. The management and the annual balance sheet of O.B.I. shall be audited by Certified Accountants.

4. For the supervision of the function of O.B.I., the Administrative Council shall submit to the Minister of Industry, Energy and Technology an annual report of its activities, a report of revenues and expenses, the budget, and the balance sheet.

Article 4.

Regulations - Rolls - Registers - Records

1. By decision of the Administrative Council of O.B.I., approved by the Minister of Industry, Energy, and Technology the following regulations shall be set up:

a. Regulation of organisational structure of O.B.I., which shall regulate its structure with regard to service units, their competencies, and their function.

The regulation of the organisational structure of O.B.I. may provide for the establishment of a committee which shall comprise specialized scientists of O.B.I. with the purpose of examining patent applications, wherever the examination of said applications requires specialized scientific knowledge.

b. Regulation of the status of the staff of O.B.I., which shall determine the posts of the staff provided by the law and the qualifications for their recruitment; it will also regulate issues pertaining to the progress of the staff with regard to grade

and salary, issues pertaining to retirement from the service and in general all issues related to the service status as well as the disciplinary responsibility and disciplinary penalties.

c. Economic regulation which deals with matters of management, compiling, and publication of the budget, the balance sheet and the annual report, issues relating to the cases and the procedures for payment of fees, income or revenues, and rendering expenses as well as to matters of supplies of O.B.I.

d. Regulation of function of the Administrative Council of O.B.I., which is not subject to approbation by the Minister.

2. O.B.I. shall keep the following registers, records, and rolls:

A. Registers:

- a. Confidential technology transfer register, within the meaning of article 21 of the present law;
- b. Common register for patents;
- c. Confidential register for patents;
- d. Register for utility model certificates;

B. Records:

- a. Confidential record for technology transfer, within the meaning of article 21 of the present law;
- b. Ordinary record for patents;
- c. Confidential record for patents;
- d. Record for utility model certificates;

C. Rolls:

- a. Ordinary roll for reports;
- b. Confidential roll for reports.

3. O.B.I. shall issue the Industrial Property Bulletin and publications for briefing and spreading information relating to patents, innovations, and technology transfer.

4. The data which shall be included in the aforementioned registers, records and rolls and the mode of their reduction and presentation shall be determined by decision

of the Minister of Industry, Energy, and Technology, following a proposal of the Administrative Council of O.B.I. The same decision shall determine the manner in which the Industrial Property Bulletin shall be kept and issued, as well as the data to be included therein.

5. As confidential register, record, and roll there are understood, those which exist subject to Law No. 4325/1963 “on inventions

related to the national defence of the country”. The disclosure of the confidential data kept in the confidential registers, records or rolls by the staff of O.B.I. in the course of their service and for a period of ten years following discontinuation of their service shall be punished by the penalties defined in article 8 of Law 4325/1963 on inventions related to the national defence of the country.

PART TWO

PATENTS

CHAPTER ONE

GENERAL DISPOSITIONS BENEFICIARIES

Article 5.

Meaning

1. Patents shall be granted for any inventions which are new, which involve an inventive step, and which are susceptible of industrial application. The invention may relate to a product, a process or an industrial application.

2. The following shall not be regarded as inventions within the meaning of paragraph 1:

- a. discoveries, scientific theories, and mathematical methods;
- b. aesthetic creations;
- c. schemes, rules, and methods for performing mental acts, playing games or doing business, and programs for computers;
- d. presentation of information.

3. An invention shall be considered new if it does not form part of the state of the art. The state of the art shall be held to comprise anything made available to the public anywhere in the world by means of a written

or oral description or in any other way, before the filing date of the patent application or the date of priority.

4. An invention shall be considered as involving an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art.

5. An invention shall be considered as susceptible of industrial application if its subject matter may be produced or used in any sector of industrial activity.

6. The following shall not be regarded as inventions susceptible of industrial application within the meaning of paragraph 5:

- a. Methods for treatment of the human or animal body by surgery or therapy;
- b. Diagnostic methods practiced on the human or animal body.

7. The exceptions to paragraph 6 shall not apply to products and in particular to substances or compositions for use in any of these methods.

8. Patents shall not be granted in the following cases:

- a. inventions the publication or exploitation of which would be contrary to public order (ordre publique) or morality;
- b. plant or animal varieties or biological processes for the production of plants or

animals; this provision does not apply to microbiological processes or the products thereof.

9. Patents shall be granted also for an invention which has been disclosed no earlier than six months preceding the filing of the patent application, if the disclosure was due to:

- a. an evident abuse of the rights of the applicant or his/her legal predecessor;
- b. the fact that the invention was displayed at an officially recognised international exhibition falling within the terms of the convention on international exhibitions signed in Paris on 22 November 1928 and ratified by Law 5562/32 (Official Journal, 221). In said case, when filing the application, the applicant should state that the invention has been so displayed and should file the relevant supporting certificate.

10. The disclosure of paragraph 9 does not affect the novelty of the invention provided for in paragraph 3.

Article 6.

Right to a patent

Invention by an Employee - Claiming

1. The right to a patent shall belong to the inventor or to the beneficiary in accordance with paragraphs 4, 5, and 6 and to his/her general or special successors in title. Whoever requests the grant of the patent shall be deemed to be the inventor.

2. If two or more persons have made an invention jointly and provided that there exists no other agreement, the right shall belong to all of them jointly. Each cobeneficiary may freely assign his share and take care of the maintenance of the joint patent.

3. If two or more persons have made the invention independently of each other, the right to the patent shall belong to the person

whose patent application has the earliest date of filing or to the person who has a priority right against the others in accordance with article 9.

4. An invention made by an employee shall belong to him/her (free invention) unless the invention is either a service invention, in which case it entirely belongs to the employer, or is a dependent invention in which case it belongs by 40% to the employer and by 60% to the employee.

5. A service invention is the outcome of a contractual relation between the employee and the employer for the development of inventive activity. In case that a service invention is accomplished, the employee shall have the right to request an additional reasonable recompense if the invention is particularly profitable to the employer.

6. A dependent invention is the invention made by an employee with the use of materials, means or information of the enterprise in which he/she is employed. The employer shall be entitled to exploit the dependent invention by priority against compensation to the inventor, proportional to the economic value of the invention and the profits it brings. The inventor of the dependent invention shall without neglect notify in writing the employer on the accomplishment of the invention and shall give the necessary data for the filing of a joint patent application. If the employer does not answer in writing within four months from said notification to the employee that he is interested in jointly filing the patent application, the said application shall be filed by the employee only and in this case the invention belongs entirely to the employee.

7. Any agreement which restricts the above mentioned rights of the employee shall be considered null.

8. In all cases, the name of the inventor shall be mentioned in the patent and the inventor shall have the right vis-a-vis the applicant or the owner of the patent to demand his/her recognition as inventor.

9. The beneficiary of the invention may, if

a third party has filed without his/her consent a patent application relating to his invention or to essential constituents thereof, demand by legal action against said third party the recognition of his/her rights emanating from the patent application or, in case that a patent has been granted, his/her rights emanating from the patent.

10. The aforementioned legal action shall be brought before the court within a period of two years from the date of publication of the summary of the patent in the Industrial Property Bulletin. This term does not apply if the patentee is aware of the right of the claimant at the time of grant or assignment of the patent.

11. A summary of the irrevocable decision stating the acceptance of the aforementioned action shall be recorded in the Patents Register.

The licences and all other rights which have been granted on the patent shall be considered null as from the date of said recordal. The defeated litigant and third parties, if they have exploited the invention in good faith or had proceeded with the necessary preparations for said exploitation, may request from the recognised beneficiary the grant against compensation of a non-exclusive licence for a reasonable period of time. In case of dispute of the parties the conditions shall be determined by the one-member court of first instance in the place of residence of the applicant, in accordance with the procedure laid out in article 741 to 781 of the Code of Civil Procedure Law.

CHAPTER TWO

PROCEDURE FOR GRANTING A PATENT

Article 7.

Filing of application - Acceptability - Publication

1. For the grant of a patent an application shall be filed with O.B.I. including:

- a. Full name or name of legal entities, nationality, residence or seat, and address of the applicant;
- b. Description of the invention and determination of one or more claims. O.B.I. may request completion or rewording of the description or the claims in order to comply with the dispositions of the present law. By claim shall be held in the present law the extent and the content of the requested protection;
- c. A request for the grant of a patent.

2. The application shall be accompanied by the drawings referred to in the claims or the description, an abstract of the invention, the explanations for the proper understanding of the description, and the documents empowering the applicant to act in case of a legal entity or in case of a natural person if he/she is not the inventor. It shall be further accompanied by the receipts evidencing payment of the application fee and of the first annual renewal fee.

3. The claims of the invention shall be based on the description.

4. The description of the invention shall be so compiled as to be sufficiently carried out by a third person skilled in the art.

5. The abstract of the invention serves only for the purpose of technical information.

6. The application may relate either to a single or to multiple inventions so linked as to form a single general concept. If the application related to several inventions (compound application) the applicant may, up to the date of grant of the patent, divide the application into more than one divisional applications, maintaining the filing date of the initial application as filing date of each divisional application.

7. Upon filing the patent application, the applicant may state that he wishes his application to be considered, in accordance with article 19, as an application for the grant of a utility model certificate if the application shall be rejected as a patent application.

8. The application shall be accented for

filing provided that it meets the terms laid down in paragraph 1 and that it is accompanied by the receipts of the filing fee and the first annual renewal fee. In this case the filing of the application shall be considered as orderly filed but not complete.

9. Within a period of four months from the filing date, the applicant should submit any missing drawings or other supporting documents, complete any lacking data, and correct any eventual errors in the draft of the documents and of other supporting documentation in accordance with paragraphs 2, 3, 4, and 5. In this case the filing of the application shall be considered complete.

10. The date of the orderly filing of the application in accordance with paragraph 8 is considered as the filing date of the application.

11. The manner of drafting and filing of the patent application and of the documents attached thereto as well as of any other detail relating to the procedure for the grant of a patent shall be determined by decision of the Minister of Industry, Energy, and Technology, following proposal of the Administrative Council of O.B.I.

12. The patent application of paragraph 1 as well as the documentation attached thereto provided for in paragraph 2 shall be made available to the public eighteen months following the filing date or the date of priority, unless the patent has already been granted in which case they are made available to the public on the date of grant of the patent.

13. As from the date on which the application is made available to the public, any third party may request information and copies of the application, of the description, of the drawings, and of any other relevant data.

14. Extracts of the application shall be published in the Industrial Property Bulletin.

Article 8.

Grant of the patent - Procedure

1. If after the lapse of the term stated in

paragraph 9 of the preceding article O.B.I. discovers the orderly but not complete filing of the application, this shall be considered as not filed.

2. If the filing of the application is orderly and complete, O.B.I. shall examine:

- a. whether the subject matter of the application relates to an invention which is obviously - patentable within the meaning of paragraphs 6 and 8 of article 5;
- b. whether the subject matter of the application cannot be obviously considered as invention within the meaning of article 5 paragraph 2.

If either of the above cases occurs, O.B.I. shall reject the patent application in its entirety or in the part which falls under said cases.

3. If the applications is not considered as non-filed or if it is not rejected, in accordance with the preceding paragraphs, O.B.I. shall draft a search report based on the description of the invention, the claims, and the attached drawings which shall mention all data of the state of the art necessary for the assessment of the novelty and the inventive step of the invention (search report). The search report may be accompanied by comments or brief explanatory remarks made by O.B.I. which shall relate to the characteristics of the invention in accordance with article 5 par. 1.

4. The search report shall be drafted only if the applicant pays the search fee within four months from the filing date of the application. In case said fee is not paid in time, the patent application is automatically converted into an application for grant of a utility model certificate.

5. The search report, along with a copy of the documents accompanying it, shall be notified to the applicant who is entitled to present his/her comments within a period of three months from the date of the notification.

6. On the basis of the applicant's comments, O.B.I. shall draft a final search report including all data of the state of the art

which have to be taken into consideration in appraising the patentability of the invention by granting a patent in accordance with the present law.

7. The search report shall be made available to the public along with the patent application or, if it has not yet been drawn-up, following its notification to the applicant.

8. The search report or the final search report have an informative character.

9. Upon drafting the search report, O.B.I. may request from the European Patent Office or from any other international or national organisation the supply of information or opinions which shall be freely evaluated. Furthermore, O.B.I. may request from the applicant additional information, clarifications or comments.

10. All other matters related to the procedure of drafting the search report or the final search report are regulated by decision of the Minister of Industry, Energy, and Technology.

11. O.B.I. grants a patent following completion of the procedure of the preceding paragraphs. The patent certifies the complete and orderly nature of the patent application. The patent indicates its classification and its period of life, whereas the following shall be attached thereto:

- a. The original of the description of the invention together with the claims, the abstract, and drawings, if any;
- b. The search report or the final search report.

12. The priority claim from an application in another country is inscribed on the patent, indicating also the country, the date, and the number of its filing abroad on which the priority is based.

13. The patent shall be recorded in the Patents Register and its summary shall be published in the Industrial Property Bulletin.

14. A copy of the patent, together with the documents attached thereto, shall be given to the applicant.

15. Any third party shall be entitled to

request information or copies of the patent, the description, the drawings or any relevant data.

Article 9.

International priority

1. If an orderly patent application or application for grant of a utility model certificate has been filed abroad, the applicant or its beneficiary shall be entitled to claim priority provided that, within twelve months from the filing date, he shall file an application in Greece for the same invention and that the condition of reciprocity applies. In this new application he must state the date and the country of the first filing. The right for priority goes back to the date of the first filing abroad.

2. As orderly filing abroad there shall be considered every patent application which is considered orderly in compliance with the law of the country where it has been filed and provided that the filing date ensues from its content. The subsequent fate of said patent application is of no concern.

3. Within sixteen months from the first orderly filing abroad, the following shall be submitted to O.B.I.:

- a. Certificate by the competent authority from the country where the first application was filed, indicating the number and the filing date along with the description, claims, and any drawings attached thereto, certified by the foreign authority, and
- b. Translation into Greek of the aforementioned certificate, description, claims, and drawings, by a lawyer or authority having the right to certify translations.

4. If several priorities are claimed, the terms starting from the date of priority are calculated as from the date of the earliest priority.

CHAPTER THREE

RIGHTS DERIVED FROM THE PATENT AND DURATION OF ITS VALIDITY

Article 10.

Contents of the right

1. The patent confers upon its owner, whether natural person or legal entity, the exclusive and time-limited, in accordance with article 11, right to productively exploit the invention and particularly:

- a. To produce, offer or make available in the market, to use and to possess for said purpose the products protected by the patent;
- b. To apply, offer or make available in the market the process protected by the patent;
- c. To produce, offer or make available in the market, to use and to possess for said purpose the product whose production results form the process protected by the patent;
- d. To forbid each and every third party from productively exploiting the invention, within the meaning of the above passages, or to import, without prior consent of said owner, the products protected by the patent.

2. The owner of the patent may not forbid, in the meaning of the preceding paragraph, the following activities:

- a. The use of the invention for non-professional or research purposes;
- b. The use of the invention built in an automobile, railway, vessel or airplane entering the Greek territory on a temporary basis;
- c. The preparation of a pharmaceutical product in a pharmacy for a specific individual, following medical prescription as well as the dispensing and use of said pharmaceutical product under the

reservation of article 25 paragraph 3 of the present Law.

3. Whoever shall exploit his/her contrivance or has proceeded with the preparations required for said exploitation, at the time the application for a patent was filed by a third party or in accordance with the date of priority, shall have the right to go on using said contrivance for their enterprise and its needs. This right may be only assigned along with the enterprise.

Article 11.

Duration of the Validity of the Patent

1. The duration of the validity of the patent shall be twenty years starting the day following the date of the filing of the patent application.

2. In case of claim of priority on the basis of filing abroad, the duration of the validity of the patent shall be calculated from the day following its filing in Greece.

CHAPTER FOUR

SUCCESSION AND LICENCES

Article 12.

Assignment - Succession - Contractual Licence

1. The right on a patent application and on the patent itself may be assigned following written agreement or they may be inherited. The assignment shall be completed upon registration of the assignment agreement or of the certificate of inheritance in the Patent Register and it is published in the Industrial Property Bulletin.

2. The joint owners of a patent may assign, each one separately, following written

agreement, their share of the patent. The same applies to the right in common for granting a patent.

3. The patentee may grant to a third party, following written agreement, a licence for exploitation of the patent. In case of a licence for a joint patent, the agreement of all the patentees is required.

4. Unless otherwise agreed, the licence is neither exclusive nor assignable nor inheritable.

5. The patentee may at any time state to the Industrial Property Organisation his consent to the grant of licences with or without exclusivity, against compensation.

The statement shall be valid for a period of two years, shall be recorded in the Patents Register, and published in the Industrial Property Bulletin; the appropriate note shall be written on the patent.

6. In the case of paragraph 5, for the period of time only for which the statement shall be valid, the patentee shall be entitled to a deduction from the sum of the annual fees paid for protection of the patent. The deduction shall be determined in general or for specific categories of cases by decision of the Administrative Council of the Industrial Property Organisation.

Article 13.

Non-contractual licence

1. The competent court mentioned in paragraph 10 of the present article may grant to a third party, without prior consent of the patentee, a licence for exploitation of the patent in case that the following prerequisites concur accumulatively:

a. A period of three years has elapsed since the grant of the patent or a period of four

years has elapsed since the filing date of the patent application;

- b. The relevant invention has not been exploited in Greece or, in case it has, the production of the products thereof is insufficient to cover local demand;
- c. The third party is in a position to exploit productively the invention covered by the patent;
- d. The third party notified the patentee, one month prior to the initiation of the judicial proceedings, regarding his intention to request a non-contractual licence.

2. The non-contractual licence shall not be granted in case the patentee justifies lack of exploitation or insufficient exploitation in the country. The importation of the product does not constitute an excuse for the invocation and application of this paragraph. The regulation of item 1 above shall not apply to products imported from Member States of the European Union and the Member States of the World Trade Organization⁽¹⁾.

3. The grant of a non-contractual licence may not exclude other contractual or non-contractual licences. The non-contractual licence may be assigned only along with the part of the enterprise which exploits the invention.

4. The owner of the patent may request from the competent court mentioned in paragraph 10 the grant of a non-contractual licence on an earlier patent, provided that his invention relates to the invention of the earlier patent, the productive exploitation of said invention is not possible without offending the rights of the owners of the earlier patent and his invention constitutes a significant progress in comparison with the invention of the prior patent. When the aforementioned non-contractual licence has been granted,

(1) *Item 3 of paragraph 2 of Article 13 is cited as replaced by Article 2 of Presidential Decree No. 54/1992 and Article 9 par. 4 of Law No. 2359/1995*

the owner of the earlier patent may request the granting of a non-contractual licence for the subsequent invention.

5. The non-contractual licence shall be granted following petition of the interested party before the competent court mentioned in paragraph 10.

The petition is accompanied by the opinion of the Industrial Property Organisation regarding the existence of the prerequisites for granting the non-contractual licence in accordance with the preceding paragraphs, the amount, the terms of the compensation to be given to the owner of the patent, and the exclusive or non exclusive character of the exploitation of the invention. The Industrial Property Organisation states its opinion following petition of the party interested in exploiting the patent. The opinion of O.B.I. is granted within one month from the date the relevant petition is filed and is not binding for the competent court. Copy of the application for granting a non-contractual licence along with the relevant opinion of O.B.I. and the note fixing the day of the trial shall be notified to the owner of the patent and to the beneficiaries of other contractual or non-contractual licences.

6. In case the petition is approved, the competent court grants a non-contractual licence. The licence pertains to the extent of the exploitation rights of the invention, the duration of its validity, the date of commencement of the productive exploitation of the invention in Greece and the amount and terms of compensation to be paid to the patentee by the beneficiary of the licence.

The amount and the terms of the compensation are determined in accordance with the extent of the industrial exploitation of the protected invention.

7. The decision of the court in accordance with paragraph 6 shall be recorded to the Patents Register of O.B.I., published in the Industrial Property Bulletin and notified to the persons mentioned in paragraph 5.

8. Following petition of the owner of the patent or the beneficiary of the non-

contractual licence, the competent court mentioned in paragraph 10 may amend the terms of granting of the licence if new data justify the amendment or revoke the non-contractual licence if its beneficiary does not respect the terms of the licence or if the prerequisites for its granting have ceased existing. If the immediate revocation brings about a significant damage to the beneficiary of the non-contractual licence, the court may allow the continuation of the exploitation for a reasonable period of time.

9. The non-contractual licence does not grant the right for importation of the products covered by the invention.

10. The competent court for the grant, assignment, amendment or revocation of a non-contractual licence is the three member court of first instance at the place of residence of the petitioner, which judges in accordance with the proceeding of article 741 to 781 of the Code of Civil Procedure Law.

Article 14.

Licence to the Public Sector

1. For imperative reason of serving public health and national defence after justified decision of the Minister of Industry, Energy, and Technology and, according to the case, any competent Ministers, a licence for exploitation of an invention can be granted to bodies of the public sector which may exploit the invention in Greece, provided that the relevant invention has not been productively exploited in Greece or the production of the products thereof is insufficient to cover local needs.

2. Prior to the issue of the relevant decision, the patentee and anyone who is in position to give useful advice, are called upon to express their views.

3. By the same decision, following the opinion of O.B.I., the amount and the terms of the compensation to the owner or the patent are determined. The amount of the compensation is determined in accordance

with the extent of the industrial exploitation of the invention. In case of disagreement of the patentee as regards the amount of the compensation, the compensation is determined by the relevant one-member court of first instance of the jurisdiction, in the injunction proceedings.

CHAPTER FIVE

NULLIFICATION - FORFEITURE - PROTECTION

Article 15. Nullification

1. The patent shall be declared null by Court decision if:

- a. The owner of the patent is not the inventor or his assignee or beneficiary according to article 6, paragraph 4, 5 and 6;
- b. The invention is not patentable in accordance with article 5;
- c. The description attached to the patent is insufficient for the invention to be carried out by a person skilled in the art;
- d. The subject matter of the granted patent extends beyond the content of the protection, as requested in the application.

2. The persons mentioned in passage (a) paragraph 1 are entitled to bring action against the owner in the case of said passage, whereas in all other cases action may be brought before the court by whoever has legal interest. The nullification action shall be brought before the competent civil court. Patentees who are not residents of Greece bring actions or are sued in the courts of the capital.

3. If the nullification is brought before the court only against part of the invention, the patent is accordingly restricted.

Article 16. Forfeiture

1. Whoever files a statement of waiver with O.B.I. or whoever does not pay the protection fee in due term, declines from the rights derived from the patent.

2. O.B.I. issues an act for the forfeiture published in the Industrial Property Bulletin. The forfeiture is valid as from the date of its publication.

3. In case a non-contractual licence or a right to the invention has been granted, the registration of the waiver further necessitates written consent of the beneficiary of the licence or of the right.

Article 17.

Actions before justice by the owner
of the patent - False pretence

1. In case of present or threatened infringement of the patent, its owner has the right to demand the cease of the infringement and the omission from any infringement in the future.

2. In case of international infringement of the patent, its owner who suffered damage is entitled to demand restitution of the damage or return of the benefits derived from the unfair exploitation of the invention or the payment of an amount equal to the value of the licence for said exploitation.

3. The same rights are granted to the beneficiary of an exclusive licence, to whoever has a right on the invention, and to whoever has filed a patent application. In the latter case the court may postpone the trial procedure of the case until said patent has been granted.

4. The aforementioned rights shall be prescribed after the lapse of five years from the date the owner of the patent took knowledge either of the infringement or of the damage and of whom is obliged to give compensation, and definitely after the lapse of twenty years since the infringement took place.

5. In case of condemnation of the defendant, the court may order the destruction of the products manufactured in violation of the dispositions of the present law. The court may also, instead of the destruction, order that the products or a part thereof be rendered to the plaintiff for his total or partial compensation, upon request of the latter.

6. If the invention relates to a process for the manufacture of a product, each product of the same nature is presumed to have been manufactured according to the protected process.

7. Whoever places on products or on their wrapping, or on any kind of commercial documents destined for the public or on other relevant means of publicising and advertising a false statement that the objects in question are protected by patent, shall be punished by up to one year imprisonment or by fine amounting to at least fifty thousand drachmas or by both penalties.

CHAPTER SIX

PATENT OF MODIFICATION

Article 18.

Meaning - Procedure up to grant

1. If an invention constitutes modification of another invention already covered by a patent (main patent), the owner of the latter may request the grant of a new patent (patent of modification) provided that the subject-matter of the new patent relates to at least one claim of the main patent.

2. The patent of modification shall follow the fate of the main patent and expires therewith. The patent of modification may be used by all beneficiaries of licences for exploitation of the main patent, unless otherwise stated in the licences.

3. No annual renewal fees are to be paid for the patent of modification.

4. The patent of modification may be converted into a main patent, upon request of its owner. The duration of the validity of the converted patent shall be governed by article 11. As date of filing shall be regarded the filing date of the application for grant of a patent of modification.

5. The nullification of the main patent does not call for the nullification of the patent of modification. In case the main patent is annulled, the fees to be paid for the main patent shall be paid for the patent of modification.

6. As regards all other matters, the respective dispositions of the present law regarding patents shall apply.

PART THREE

TECHNICAL INNOVATIONS

CHAPTER ONE

UTILITY MODEL CERTIFICATE

Article 19.

Meaning - Procedure up to grant

1. The utility model certificate shall be

granted for each novel and industrially applicable three-dimensional object with definite shape and form, such as a tool, an instrument, a device, an apparatus or even parts thereof, proposed as novel and industrially applicable and capable of giving a solution to a technical problem.

2. Whoever files a patent application may request up to the date of grant of the patent

the conversion of his patent application into application for a utility model certificate.

3. The duration of validity of the utility model certificate is seven years from the day following the application for the grant of a utility model certificate or for the grant of a patent, in case of conversion in accordance with paragraph 2.

4. The application for the grant of a utility model certificate shall be submitted to O.B.I. The requirements for filing the application, the relevant supporting documentation, and all other pertinent details are determined by decision of the Minister of Industry, Energy, and Technology.

5. If the application for a utility model certificate complies with the requirements of paragraph 4, O.B.I. grants a utility model certificate without prior examination of the novelty and industrial applicability of the utility model at the responsibility of the applicant.

6. As regards all other matters, the respective dispositions of the present law regarding patents shall apply.

CHAPTER TWO

TECHNICAL INNOVATIONS AND AWARDS

Article 20.

Technical innovation - Subsidies - Awards

1. A certificate of technical innovation may be granted for a new solution of a specific technical problem (technical innovation), proposed by one or more persons working for an enterprise and related to the activities of the latter. The certificate of technical innovation constitutes an award to working persons involved for their creative contribution to the enterprise.

2. The details of the procedure for granting certificates of technical innovation shall be determined by joint decision of the Ministers of Labor and of Industry, Energy, and Technology, published in the Official

Journal of the Government.

3. The requirements for subsidising unions and associations of inventors or scientists as well as cooperatives and unions of productive units which aim at the development of research and technological installations and models, at the joint reclamation of results derived from research, or at the presentation of inventions or new products and processes in exhibitions and congresses, shall be determined by joint decision of the Ministers of Finance and of Industry, Energy, and Technology.

4. The procedure for granting state awards and/or financial support to inventors, persons employed in enterprises and whoever may contribute to the development of technology, to the popularisation and propagation of scientific and technical knowledge, as well as to the creation of technological places of display and museums, shall be governed by joint decision of the Ministers of National Economy, of Finance, and of Industry, Energy, and Technology.

5. The research centers or institutes of the country may, following request of the party concerned, grant a leave of up to two years with salaries not exceeding fifty percent to a researcher of any degree who wishes to render industrially and commercially productive his technical contrivances and inventions provided they fall within the scope of the center or institute. Following request of the person concerned, the research center or institute may extend the aforementioned leave for a further total period of three years and with emoluments up to twenty-five percent of the regular ones. After the lapse of five years, the researcher shall choose either to resign from the center or to return to the center as a full-timer. The assessment of the petitions for granting or extending such leave shall be effected by the Administrative Council of the research center or institute and the grant of the leave or its extension shall be approved by the Minister of Industry, Energy, and Technology.

PART FOUR

TECHNOLOGY TRANSFER

Article 21.

Meaning - Nullity of terms of the contract

1. By the contract on technology transfer the supplier of technology is called upon to supply technology to the recipient of technology, and the recipient is called upon to pay the value agreed upon. In particular, the following are conceived within the meaning of this article as technology supply:

- a. The licence for exploitation of patents and utility model certificates;
- b. The assignment of patents and of utility model certificates;
- c. The supplying of technical constructing instructions, drawings or services;
- d. The supplying of organisational and management services, as well as of specialized consulting services or services for follow-up and control;
- e. The disclosure of industrial secrets with drawings, diagrams, specimens, models, instructions, proportions, conditions, processes, prescriptions and methods of production of products referring to the productive exploitation. Such industrial secrets are mainly technical information, data or knowledge which relate to processes, expertise or skills, that have practical application particularly to the production of goods and the rendering of services, provided that they have not become widely known;
- f. The joint research or development of new technology, demonstrative or experimental programs or works;
- g. Providing technical assistance in the form of briefing, instruction, and formation of personnel.

2. The following terms shall be null and void:

- a. Terms in patent licences that include

dispositions which are contrary to those of article 3 of Regulation number 2349/1984 of the Commission of European Communities (Official Journal No. L 219/15) concerning the implementation of article 85 par. 3 of the EEC Convention, to classes of agreements relating to the licence for exploitation of patents;

- b. Terms in contracts on technology transfer including ban of exportation. The Minister of Industry, Energy, and Technology may, by his decision, permit the conclusion of a contract containing a clause banning exportation, if this is imposed by serious reasons of economic development and public interest and provided that the ban is not contrary to international obligations of the country.

Article 22.

Registration of the contract on technology transfer

1. The contract on technology transfer shall be submitted to O.B.I. by the contracting parties which have their domicile or seat in Greece, within one month from its conclusion and at the same time the dispositions of Law No. 1306/83 (Official Journal No. 65) apply.

2. The contract shall be registered in the register of technology transfer. The registered contracts on technology transfer or the information contained in the form provided in paragraph 5 of the present article shall be kept secret. Whoever shall violate the present disposition shall be punished according to article 17 of Law No. 146/1914 on Unfair Competition.

3. Contracts with the following subject shall not be subject to the obligation of being registered:

- a. Isolated use of foreign engineers and technicians for installation and repair of factories or machinery;
- b. Advice, drawings or similar provisions usually accompanying machinery or equipment, provided that they do not entail any special surcharge for the one whom they are destined to;
- c. Urgent technical assistance or repair, provided that they are carried out by reason of an earlier registered agreement.
- d. Technical training given by educational organisations or enterprises to their personnel;
- e. Defense systems.

4. The party responsible for registering the contract on technology transfer may either submit a copy of the contract or complete the special form in accordance with paragraph 5. Suit or petition to the Court

which concerns any difference between the contracting parties and which relates to a contract on technology transfer cannot be discussed before the court without a written confirmation of O.B.I. indicating that the parties have complied with the requirements of this paragraph.

5. The process of compiling drafting, and granting of the special form regarding contracts on technology transfer and the relevant prerequisites to be completed for statistical use are determined by decision of the Minister of Industry, Energy, and Technology.

6. The registration of the contract on technology transfer with O.B.I. may entail for the contracting party(-ies) sub-submitting the agreement a deduction from the sum of the fees due to O.B.I. The percentage of the deduction shall be determined by decision of the Administrative Council of O.B.I.

PART FIVE

IMPLEMENTATION OF THE CONVENTION ON THE GRANT OF EUROPEAN PATENTS

Article 23.

European application - European patent - Reasons for Nullification

1. The application for the grant of a European patent shall be obligatorily submitted to O.B.I. when the applicant is a Greek citizen unless claiming the priority of an earlier Greek application.

2. Since the date of its publication, in accordance with Law 1607/1986 (Official Journal No. 85), article 93 of the convention concerning the European patent, the European patent application in Greece has the same effects as the Greek patent application.

3. The provisional protection of paragraph

2 is provided only starting the date on which the applicant of the application of the European patent submits to O.B.I. the relevant certified translation in Greek of the claims of the application.

4. The European patent has the same effects in Greece as the Greek patent granted by O.B.I.

5. The proprietor of the European patent shall supply O.B.I. with the relevant certified Greek translation of the text on the basis of which the European Patent Office has granted the European patent or has maintained it with modifications.

6. The European patent is not valid in Greece unless the terms of paragraph 5 are observed.

7. For as long as the reserve formulated by Greece in accordance with article 167 paragraph 2 passage (a) of the convention regarding the European patent remains in force, European patents granting protection to pharmaceutical products are ineffective in Greece.

8. A European patent may be declared null in Greece only on the grounds of Law No. 1607/1986 article 138 paragraph 1 of the Convention regarding the European patent.

9. If the grounds for nullification relate to the European patent only in part, the claims, the description, and the drawings of the patent shall be limited accordingly.

10. The following shall be determined by Presidential Decree to be issued upon recommendation of the Minister of Industry, Energy, and Technology:

a. The deadline and prerequisites for submitting the translation of the application for the grant of a European patent;

- b. The deadline and prerequisites for submitting the translation of the European patent;
- c. The terms for ascertaining the authenticity of the translation, its possible revision, and the rights of third parties who, in good faith, are already exploiting the patent;
- d. The mode and the prerequisites for filing the European patent application with O.B.I.;
- e. The keeping of the register of European patents;
- f. The prerequisites for converting the European patent application into a Greek patent application;
- g. The prerequisites for representation before O.B.I. concerning matters of European patents;
- h. The regulation of cases of cumulative protection of Greek and European patents.

PART SIX

FINAL AND TRANSITIONAL PROVISIONS

Article 24.

Fees

1. Fees shall be paid for the registration of contracts on technology transfer, for the furnishing of advice and information with regard to technology transfer, and for the grant, assignment or amendment of rights on patents and utility model certificates.

2. For each patent application the filing fee, the annual fees for protection, the fee for the search report and fees for the registration of modifications shall be paid in advance to O.B.I. The receipts of payment of the filing fees and for fees covering the first year of protection shall be deposited along with the

patent application. The annual fees for protection shall be paid in advance for each subsequent year and the relevant receipt shall be submitted to O.B.I. each year up to the last day of the month corresponding to the date on which the application was filed. Following the lapse of the aforementioned term and within six months from said term the owner of the patent may pay the due fees increased by fifty percent.

3. Annual fees for protection shall also be paid in advance for each year for any patent application, as though the patent had been granted. If these fees are not paid within the terms prescribed in paragraph 2, article 16 applies.

4. As date of payment of the fees there shall be regarded the date of filing of the application to which the relevant receipt is attached.

5. The above dispositions apply respectively to utility models and to all other cases for which the payment of fees is provided for by this law.

6. The amount of the fees is determined by decision of the Administrative Council of O.B.I.

7. Fees for protection which have been paid in advance and which relate to a subsequent period of time shall be exempted from all subsequent readjustments.

8. In case of irrevocable rejection of the application, the proportion of the annual fees for protection paid in advance and corresponding to a period of inexploitation shall be restituted.

Article 25.

Repealed - Transitional Dispositions - Authorisations

1. For patent applications filed prior to the entry into force of this law, the dispositions being in force on the filing date of the application apply with regard to the prerequisites for the granting procedure of the patent. The patents shall be granted by O.B.I. Patents granted on the basis of these applications and patents already granted prior to the entry into force of the present law shall be regulated by the dispositions of the present law, and any possible acquired rights shall be reserved ⁽¹⁾.

2. Starting the date the present law enters into force, the following shall be repealed: Law No. 2527/1920 regarding patents, article 668 of the Civil Code, Royal Decree dated 22.11.1920 regarding execution of Law No. 2527 concerning patents, articles 1 to 12 inclusive of Law No. 1023/1980 regarding amendment and completion of Law No. 2527/1920, case of article 7 of Presidential Decree No. 574/1982 Re-assignment of competencies of the Ministries, as well as other dispositions contrary to those of the present Law or related to matters governed by the present. Law No. 4325/1963 regarding inventions concerning the national defence of the country shall remain in force. Wherever Law No. 4325/1963 refers to the Ministry of Commerce it is understood as O.B.I. and any references to Law No. 2527/1920 shall be replaced by the corresponding regulations of the present Law.

3. As long as the reserve formulated by Greece in accordance with article 167 paragraph 2, passage (a) of the Convention for the European patent shall remain in force, no patents for pharmaceutical products shall be granted by O.B.I. within the meaning of article 2 of Law No. 1316/1983.

4. Upon publication of the present Law, by decision of the Minister, the staff of all categories serving at the Patent Section of the Ministry of Industry, Energy, and Technology, may be placed at the disposal of O.B.I. in order to serve its functional needs, in deviation from all other relevant dispositions. The period of their service at O.B.I. shall be regarded in each case as a period of real service with the Ministry of Industry, Energy,

(1) Item 3 of paragraph 1 of article 25 is cited as replaced by article 9, par. 2 of law No. 2359/1995. Item 4 of paragraph 1 of article 25 is abolished by article 9 par. 3 of law No. 2359/1995. The duration of the patents granted pursuant to law 2527/1920 on Patents is extended and shall remain in force on the 01.01.1996 until the completion of twenty years as of the day of regular filing of the application for grant of a patent. Regulations related to fees are also applicable to these patents.

and Technology. In accordance with the same decision, the equipment of any nature of the said Section may be transferred to O.B.I.

5. By presidential decree to be issued following recommendation of the Ministers of Commerce and of Industry, Energy, and Technology, the competencies of the Directorate of Commercial and Industrial Property of the Ministry of Commerce for registration and grant of trade marks may be transferred to O.B.I.

Article 26.

1.a. With a presidential decree, issued following a proposal of the Minister of Presidency of the Government, the Minister of National Economy and the Minister of Industry, Energy and Technology, it is possible that the legal status of the Industrial Property Organisation (O.B.I.) is converted to a public status legal entity and that adjustments are made regarding the introduction of personnel functions, the organisation, the operation, the resources, the financial administration, and, overruling general and particular provisions regarding Public Finances, the disposition of the property of the converted legal entity as well as any other relevant matter.

b. With similar presidential decree matters concerning the service status of personnel

serving the Industrial Property Organisation (O.B.I.) are adjusted, during the conversion period, such as placement, transfer to the new functions defined, as well as concerning social security issues related to such personnel.

2. The application process of the presidential decree of the paragraph 1, b should be regulated by decision of the Minister of Industry, Energy and Technology.

Article 29.

Entry into force

The present Law shall enter into force upon its publication in the Official Journal of the Government, with the exception of the provisions of Parts Two, Three and Four as well as of Article 25 paragraphs 1 and 2 of this Law, which shall enter into force as from 1 January 1988. As from the entry into force of the present law, the competencies of the Patent Section of the Ministry of Industry, Energy and Technology shall be transferred to O.B.I.

NOTE:

Paragraphs 6 and 7 of article 25, and article 27 and 28, do not concern O.B.I.'s competences and are, therefore, omitted.

“on the Amendment to the government bill on the Hellenic Bank for Industrial Development (ETVA) and other provisions”.

Article 9

The following article is added:

1. The duration of the patents granted pursuant to Law 2527/1920 on Patents is extended and shall remain in force on the 01.01.1996 until the completion of twenty years as of the day of regular filing of the application for grant of a patent. Regulations related to fees are also applicable to these patents.

2. Article 25.1.3 of Law 1733/1987 on “Inventions, Technology Transfer, and Technological Innovation” is amended as follows: “Patents granted on the basis of these applications and patents already granted prior to the entry into force of the

present law shall be regulated by the dispositions of the present law and any possible acquired rights shall be reserved”.

3. Article 25.1.4 of Law 1733/1987 on “Technology Transfer and Technological Innovation” is repealed.

4. Article 13.2.3 of Law 1733/1987 on “Technology Transfer, Inventions, and Technological Innovation” is amended as follows “The regulation* of item 1 above shall not apply to products imported from Member States of the European Union and Member States of the World Trade Organization”.

5. The present article shall enter into force as of 01.01.1996.

* *disposition*

**“Filing of applications for the grant of patents or utility model certificates
with O.B.I. and keeping of record books”.**

THE MINISTER
OF INDUSTRY, ENERGY, AND
TECHNOLOGY

Considering:

1. The provisions of Article 4, paragraph 4, 7 paragraph 11 and article 19 paragraph 14 of Law No. 1733/1987 related to Technology transfer, inventions, technological innovation and establishment of an Atomic Energy Committee (Official Journal No. 171, A’);

2. The provisions of Law No. 1558/1985 related to Government and Governing Bodies;

3. The proposal of the Administrative Council of O.B.I. concerning filing of applications with O.B.I. for the grant of patents or utility model certificates and for keeping the books according to the minutes (No. 3), dated 22.12.1987, of the third session of the Administrative Council of O.B.I.,

decides on the following:

CHAPTER ONE

GENERAL PROVISIONS

Article 1.

Definitions

The following are meant for the application of this decision:

- a. By the name “O.B.I.” the Industrial Property Organisation (O.B.I.), with seat in Athens (Law No. 1733/1987).
- b. By the name “Patent application”, the application for the grant of a patent.
- c. By the name “Utility model certificate application”, the application for the grant of a utility model certificate.

Article 2.

Working days

The number of the working days for O.B.I. are identical to those followed by the Ministry of Industry, Energy, and Technology.

Article 3.

Representation

1. The right of appearing in person or filing documents before O.B.I. is attributed to the beneficiaries of patent applications or utility model applications or to their representative lawyer.

2. The representative lawyer shall justify his authorisation by submitting to O.B.I. a power of attorney⁽¹⁾.

3. If the applicant of a patent or utility model certificate has no residence or seat in Greece, he shall nominate a representative and declare that he will be submitted to the jurisdiction of the Courts of Athens.

(1) *Paragraph 2 of Article 3 is cited as replaced by Article 1, par. 1 of Ministerial Decision 3111/EFA/433*

CHAPTER TWO

FILING OF A PATENT APPLICATION

Article 4.

Filing of the application

1. The patent application shall be filed with O.B.I. in duplicate and shall meet the prerequisites of article 7, paragraphs 1 and 2 of Law No. 1733/1987. The description, the claims and the abstract may be filed either in Greek, or in English, in French or in German. In the second case the translation shall be provided within four months as provided by article 7, paragraph 9 of Law No. 1733/1987. According to article 7, paragraph 2 of Law No. 1733/1987, the applicant may also provide any eventual explanation if necessary within the said period.

2. O.B.I. provides the application form for the completion of the prerequisites of the relevant subject matter of the application for the grant of patents or utility model certificates. The form and the content of these application forms are determined by decision of the Administrative Council of O.B.I.

3. The patent application can be also filed by a registered letter. In this case, as filing date is considered the date of receipt of the application by O.B.I.

4. The filing of the patent application and of all necessary (accompanying) documents and elements according to the provisions of the law, may be also effected by facsimile (fax) transmission. In the case where use of the facsimile (fax) transmission is made, all documents transmitted must be clean and completely legible; the originals, duly signed by the applicant, must reach O.B.I. within ten

(10) working days from the day of the respective facsimile (fax) reception by O.B.I. Should the above conditions are met, the day of reception by facsimile (fax) of the application and rest documents by the responsible service of O.B.I. is considered as the filing date. Reception of the facsimile (fax) by O.B.I. is proved by a receipt which is sent by O.B.I. to the applicant or his representative, on the same day, by facsimile (fax) or other means ⁽¹⁾.

Article 5.

Description of the invention

1. The description of the invention shall first state the title of the invention mentioned in the patent application.

2. The description shall:

- a. Determine the technical field to which the invention relates.
- b. Indicate the state of the previous art which according to the applicant's opinion, can be regarded as useful for understanding the invention. Eventual documents reflecting the state of the previous art may be noted in the description.
- c. Determine the invention, as defined in the claims by appropriate technical terms so that the problem and its solution can be understood.
- d. Present the advantages of the invention, if any, in relation to the previous state of the art.
- e. Briefly describe the figures in the drawings, if any.
- f. Define in details one way at least of carrying out the invention claimed using examples.
- g. Explicitly clarify the way in which the invention can be applied in industry.

(1) *Paragraph 4 of Article 4 as replaced by Article 1 par. 2 of Ministerial Decision 3111/EFA/433*

Article 6.

Claims of invention

1. The claims of the invention define the extent and the content of the required protection based on the technical features of the invention.

2. Wherever appropriate the claims shall contain:

- a. A statement indicating the designation of the subject matter of the invention, and those technical features which are necessary for the definition of the subject matter and which in combination are part of the state of the art.
- b. A characteristic part stating the technical features of the invention which, in combination with sub - paragraph (a) determine the required protection.

3. The patent application shall contain one at least or more claims. If there are more than one claims, they shall be numbered consecutively in arabic numerals.

4. The claim referring to the main features of an invention (main claim) may be followed by another or other particular claims containing all the features of other claims (dependent claims).

5. In the beginning of the dependent claim there is mentioned, if possible, the principal or dependent claim or claims to which it relates and then the additional features for which protection is sought.

6. Claims shall not rely on references to the description or drawings, such as: "as described of the description", or "as illustrated in figure of the drawings".

7. The patent application may, in particular, include:

- a. A main claim for a product, a main claim for the method of production and a main claim for the use of said product, or
- b. A main claim for the method, a main claim for a mechanism or means specifically designed for carrying out the method, or
- c. A main claim for a product, a main claim for the method for the production and a

main claim for a mechanism or means for carrying out the method.

Article 7.

Abstract of the invention

1. The abstract shall indicate the title of the invention and contain a brief mention of the information stated in the description, in the claims and in the drawings. In particular, it contains:

- a. The definition of the technical field to which the invention relates thus facilitating its classification.
- b. Reference to the way of solving the technical problem of the invention concerned.
- c. The principal use or uses of the invention.
- d. The chemical formula which characterises the invention, if any.

2. The abstract shall not contain statements of the alleged merits or awards for the evaluation of the invention.

3. If possible, the abstract shall not exceed one hundred and fifty words.

4. The abstract must refer to the drawings accompanying the application, if any.

Article 8.

Form of the drawings

1. The usable surface area shall not exceed 26,2 cm x 7 cm. These sheets shall not contain frames around the used surface.

2. The minimum margins around the drawing shall be as follows:

- | | |
|-----------------|--------|
| a. Top: | 2,5 cm |
| b. Left side: | 2,5 cm |
| c. Rights side: | 1,5 cm |
| d. Bottom: | 1,0 cm |

3. The drawings shall be subject to the following limitations:

- a. Drawings shall be executed in black lines and durable signs. The lines shall be dense, well defined, uniformly thick, without colourings.
- b. Cross-section shall be indicated by hatching which should not impede the clear reading of the leading lines.
- c. The scale of the drawings and their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would be carried out.
- d. Numbers, letters and reference signs may be used specifying the drawings. Brackets, circles, or inverted commas shall not be used in association with numbers and letters. The height of the numbers and letters shall not be less than 0,32 cm. For the lettering of drawings the Latin and Greek alphabets shall be used.
- e. The lines of the drawings shall be drawn with the aid of drafting instruments.
- f. Drawings shall be numbered consecutively in arabic numerals independently of the numbering of the sheets.
- g. Diagrams are considered as drawings.

Article 9.

Presentation of the documents of the application

1. The documents of the application form of the patent or the utility model certificate shall be susceptible to reproduction by photography, electrostatic processes, photo offset, and micro-filming to an unlimited number of copies. The sheets shall be free from cracks, creases, and folds. Only one side of the sheet shall be used.

2. The documents shall be on A4 paper (29,7 cm x 24 cm), white smooth, matt, pliable and durable. Each sheet shall be used from the top to the bottom. (Upright position).

3. Each document shall commence on a new sheet. The sheets shall be connected with clips in such a way that they can be easily separated.

4. Subject to article 8, paragraph 2 of the present decision, the minimum margins shall be as follows:

- | | |
|----------------|--------|
| a. Top: | 2,0 cm |
| b. Left side: | 2,5 cm |
| c. Right side: | 2,0 cm |
| d. Bottom: | 2,0 cm |

The maximum margins of the sheets shall be as follows:

- | | |
|----------------|--------|
| a. Top: | 4,0 cm |
| b. Left side: | 4,0 cm |
| c. Right side: | 3,0 cm |
| d. Bottom: | 3,0 cm |

5. All application sheets must be numbered in consecutive arabic numerals. The numerals shall be placed at the top of the sheet, in the middle but not in the top margin.

6. The lines of each sheet of the description and of the claims shall be numbered in sets of five. The numbers shall be noted on the left side to the right of the left margin.

7. All documents shall be typed or printed. Only graphic symbols and chemical or mathematical formula may be written by hand. The characters shall be in dark colour.

8. Units of measures shall be expressed in terms of the metric system. Temperatures shall be expressed in Celsius degrees. For the other physical values the units recognised in international practice shall be used.

9. The terminology and the signs of the application shall be consistent.

10. The sheets shall be free from erasures, overwritings and interlineations.

CHAPTER THREE

FINAL DISPOSITIONS

Article 10.

Registration of the patent application

The patent application shall be recorded in the Register Book, Volume A', "National applications", by proportional application of the dispositions of articles 2 and 3 of the Law No. 4325/1963 on the inventions concerning the national defence of the country.

Article 11.

Utility model certificate application

1. The dispositions of the present decision, with the exception of article 10, are applied also to the utility model certificate applications.

2. The utility model application or the declaration for the conversion of a patent

application to utility model application is recorded in the application Register Book with the indication Utility Model Certificate Applications.

Article 12.

Practice details

Regulations on keeping the Register Books and on other formal procedures for the filing of the patent or utility model applications are set by decision of the Administrative Council of O.B.I.

Article 13.

Entry into force

The entry into force of the present decision shall start as from the date of its publication in the Official Journal of the Government.

The present decision shall be published in the Official Journal of the Government.

“Technology transfer contract registration form”.

THE MINISTER
OF INDUSTRY, ENERGY, AND
TECHNOLOGY

Considering:

1. The provisions of article 22, paragraph 5 of Law No. 1733/1987 related to “Technology transfer, inventions, technological innovation, and establishment of an Atomic Energy Committee” (Official Journal, FEK 171, A’);

2. The provisions of Law 1558/1985 “Government and Governing Bodies” (FEK 13, A’);

3. The minutes of the 12th session of the Administrative Council of the Industrial Property Organisation dated 13.03.1988,

decided on the following:

Article 1.

Technology Transfer Registration Form

By virtue of Article 22 of Law 1733/1987, the Industrial Property Organisation (O.B.I.) provides a special form to be completed by the contracting party or parties.

Article 2.

Obligatory information

The following shall be completed by the contracting party or parties in order for the technology transfer contract to be registered:

- a. Full name or name of legal entity and complete address of the technology recipient.
- b. Full name or name of legal entity and complete address of the supplier.

- c. The subject matter of the contract and the products or services referred thereto.
- d. The date of the conclusion, the beginning of the practice and the expiration of the validity of the contract as well as its period of validity.
- e. The general content of the contract and the type of the co-operation with the technology supplier (license, technical assistance, management, administration, turn key, associated production or other).

Article 3.

Optional information

If desirable, the contracting party or parties aiming at registering a technology transfer contract may state in the form any eventual participation in % of the technology supplier to the share capital of the recipient.

Article 4.

Elaboration of the form - Additions

1. O.B.I. shall elaborate and provide printed the above mentioned form for technology transfer contracts.
2. The Administrative Council of O.B.I. may come to a decision on the addition to the form of new optional information.

Article 5.

Entry into force

The present decision shall enter into force upon its publication in the Official Journal of the Government.

The present decision shall be published in the Official Journal of the Government.

PRESIDENTIAL DECREE No. 77/1988 (FEK 33, A' of 25.02.1988)

“Implementing regulations of the Convention on the grant of European patents as ratified by law No. 1607/1986”.

THE PRESIDENT
OF THE HELLENIC REPUBLIC

Considering:

1. The provisions of article 23, paragraph 10 of Law No. 1733/1987 on “Technology transfer, inventions, technological innovation, and establishment of an Atomic Energy Committee” (Official Journal - FEK 171, A’).

2. The provisions of Law No. 1558/1985 “Government and Governing Bodies” (Official Journal - FEK 13, A’).

3. The opinion No. 771/1987 of the Council of State, issued after a proposal by the Minister of Industry, Energy, and Technology, we decide on the following:

- b. Under the term “Convention”, the Convention for the grant of European patents ratified by Greece, by Law No. 1607/1986 (Official Journal 85, A’).
- c. Under the term “EPO”, the European Patent Office as defined in the Convention;
- d. Under the term “European application”, the application for the grant of a European patent;
- e. Under the term “Bulletin”, the Industrial Property Bulletin published by O.B.I. (art. 4, Law No. 1733/1987);
- f. Under the term “certified translation”, the translation made by a lawyer or an authority competent in certifying translations.

CHAPTER ONE

GENERAL PROVISIONS

Article 1.

Application field

The present Presidential Decree shall be applied for applications for the grant of European patents and for European patents causing legal effects within the territory of Greece.

Article 2.

Definitions

The following is meant for applying of the present decree:

- a. With the name of “O.B.I.”, the Industrial Property Organisation (O.B.I.) with seat in Athens (art. 1, Law No. 1733/1987);

CHAPTER TWO

RECEIVING OF A EUROPEAN APPLICATION BY O.B.I.

Article 3.

Filing of the application

1. European patent applications may be filed either with O.B.I. at its seat in Athens or eventually at its branches. Divisional European applications shall exempt as they are to be directly filed with EPO.

2. A European application must be filed with O.B.I. in case the applicant is a Greek citizen and there is not claimed a priority based on an earlier Greek application.

Article 4.

Language of the Application

- 1. The European application shall be

drawn-up either in Greek or in one of the language mentioned in article 14, paragraph 1 of the Convention, i.e. German, English or French.

2. In case the application is not drawn up in Greek, a translation thereof in Greek must be attached thereto.

Article 5.

Documents of the application

The European application must include at least the documents indicated by Article 80 of the Convention, namely:

- a. Written application indicating that a European patent is sought containing the full name and the address of residence or seat of the applicant;
- b. Designation of one at least Contracting State;
- c. Description of the invention;
- d. One or more claims.

Article 6.

Receiving of the application

1. The responsible employee of O.B.I. shall receive the European application, note the date of receiving thereon and on each supporting document as well as, give registration number out of the Register Book for European applications, and immediately issue a receipt.

2. The number and the type of the supporting documents as well as the date of filing must be written on the receipt.

Article 7.

Registration of the application

1. The European application shall be registered in the Register Book kept by O.B.I. in accordance with the national legislation currently in force and the rules concerning the secrecy for the national patents.

2. The Book shall be indicated as Register Book, Volume B', "European application", part A' and shall be kept separately from the respective Book for national applications. The numbering of the pages of the Book begins on the first day of each year and the numbering of the applications received by O.B.I. follows the practice of EPO, in accordance with article 6 of the present presidential decree.

Article 8.

Forwarding of the European applications to the EPO

Following the deadlines of articles 3 and 4 of Law No. 4325/1963 "Regarding inventions concerning the national defence of the country", O.B.I. forwards without delay the European patents to the EPO.

CHAPTER THREE

TRANSLATIONS

Article 9.

Filing of translations

1. The translation of the claims of the European application must be filed in duplicate with O.B.I. and be accompanied by the receipt of payment of the respective application fee. In case of non-payment of the fee, O.B.I. reserves the right of not publishing in the Bulletin the notification mention for the filing of the translation of the claims.

2. The European application number, the name and the address of the applicant, the number of the publication of the European application by the EPO and the Greek translation of the title of the Invention must accompany the translation of the European application claims and must be filed in

duplicate along with the application with O.B.I. In case of priority claim the respective information must be also stated.

3. The translation together with the supporting documents are accepted by O.B.I. provided that the formal prerequisites of Rule 35, (3) to (4) of the implementing Regulations to the Convention are met.

4. The translation of the European application claims is recorded in the Register Book indicated Volume B', Part B' "European Application Translations". The numbering of the pages starts on the first day of each year.

5. After the publication date, information or copies of the translation and the accompanying documents are available for consultation.

Article 10.

Translation of European patents where Greece is designated

The applicant of the European application is beneficiant of the provisional protection in accordance with article 23 (2), Law No. 1733/1987 from the date the certified translation of the claims was filed with O.B.I. As filing date is meant the date of publication of the relevant mention in the Bulletin.

Article 11.

Translation of the European patent

1. Within three months from the publication in the European Patent Bulletin of the mention of the grant of the European patent or of the decision for its maintenance in force under modified form after examination of the relevant opposition, the patentee must file with O.B.I. the certified translation of the text that the EPO has been based on, in order to grant the European patent or to maintain it under its modified form.

2. The European patent shall be deemed

automatically invalid in Greece, if the term set in paragraph 1 expires.

Article 12.

Filing of the translation of the European patent

1. The translation of a European patent must be filed with O.B.I. in duplicate and be accompanied by the fee payment receipt. In case of failure to pay the fee, O.B.I. does not publish the mention of filing the translation of the European patent.

2. The translation and the accompanying documents are accepted by O.B.I. provided that the formal requirements of Rules 32 and 35 (3) to (14) of the Implementing Regulations of the European Patent Convention are met.

3. The translation must be accompanied by the European application number, the name, and the address of the applicant and the number of the publication of the mention of grant of the European patent. In case that the EPO maintains the European patent as modified after the examination of the respective opposition, the modified translated text is attached to the initial translation.

4. Two copies of the drawings in the European patent specification must be supplied with the translation, even if these contain no textual matter requiring translation. Moreover, two copies of the patent abstract translated into Greek must be also supplied.

Article 13.

Publication of the translation of the European patent

1. O.B.I. publishes in the Bulletin the mention of the filing of the translation of the European patent.

2. After the publication date, third parties can be supplied with information or copies of the translation and the accompanying documents upon request.

3. O.B.I. may proceed to publishing a periodical or special issue containing the translations of the European patents and/or the European applications.

4. Spelling or syntax mistakes in the text of the translations may be corrected at any time by the applicant. For the correction the applicant must designate the issue number and the date of publication of the mention in the Bulletin, if the incorrect translation has already been published.

CHAPTER FOUR

AUTHENTIC TEXTS - RIGHTS OF THIRD PARTIES

Article 14.

Authentic text of a European patent application or European patent

1. Authentic text for any proceedings before the Greek authorities is considered the text of the European application or European patent as compiled in the language of the proceedings of the EPO.

2. With the exception of paragraph 1, if the text translated in Greek in accordance with articles 9 and 11 of the present decree provides for a narrower protection than in the text according to the language of the procedure before the EPO, as authentic is considered the text in Greek for any procedure before the Hellenic authorities. Actions of nullification are exempt therefrom.

Article 15.

Reviewing of translation

In the case of paragraph 2 of article 14, the beneficiary of the European application or European patent may file with O.B.I., whenever desirable a reviewed translation of the European application or European patent.

The reviewed translation shall be in force from the date that the prerequisites of articles 9, 10, 11 and 12 of this decree are met.

Article 16.

Rights emanating from a previous exploitation

A person using an invention in good faith or who has proceeded to all necessary action for the exploitation thereof, without infringing any right emanating from the European application or European patent based on the text of the initial translation, may continue such use without payment in the course of his business or for the needs thereof, even after the entry into force of the reviewed translation.

CHAPTER FIVE

FEES - REPRESENTATION

Article 17.

Payment of fees - Consequences

1. For the maintainance of a European patent in force in Greece annual fees must be paid to O.B.I. in advance. The article 24 of Law No. 1733/1987 concerning annual protection fees for national patents is respectively applied thereto.

2. The first installment of annual protection fees for a European patent with force in Greece is due to O.B.I. for the year following the publication in the European Patent Bulletin of the mention of the grant of the European patent. The calculation of the years starts from the date of filing of the European application.

3. In case that article 16 of Law No. 1733/1987 is applied, the loss of rights is published in the Bulletin and registered in the common Patent Register, Volume B', European Patents.

Article 18.

Fees

The amount of fees payable to O.B.I. for the translation of the European application or the European patent is determined by decision of the Administrative Council of O.B.I. in accordance with article 24 (6) of Law No. 1733/1987.

Article 19.

Representation

1. For the application of this presidential decree, the right of appearing in person of filing documents with O.B.I. is given solely to the beneficiary of a European application or European patent or a representative lawyer.

2. The right of filing of an application for the grant of European patents with O.B.I. is also acknowledged to the professional representatives in accordance with articles 133 and 134 of the Convention.

3. Any beneficiary with neither residence nor seat in Greece must nominate a domestic representative.

CHAPTER SIX

CONVERSION - CUMULATIVE PROTECTION

Article 20.

Circumstances for conversion

The beneficiary of a European application may request in writing the conversion of the European application into a national patent application. This conversion is allowed when the European application is deemed withdrawn for one of the following reasons:

- a. The application has not been sent to the EPO within 14 months following the filing or the priority date, if priority is claimed;

- c. The European application has been filed in Greek and its translation in accordance with article 14 (2) has not been filed with EPO within the term imposed by Rule 36 of the Implementing Regulations of the Convention.

Article 21.

Procedure for the Conversion

1. The request for the conversion in accordance with article 20 of this presidential decree must be filed with O.B.I. in duplicate within an exclusive deadline of three months from the date that the EPO notified the applicant that the application has been deemed withdrawn. Articles 135 and 136 of the Convention are proportionally applied. Receipt of payment to O.B.I. of the filing fee and of the first renewal fee as provided by the national legislation is annexed to said request. Otherwise the request shall be deemed withdrawn.

2. Within four months of the filing of the application for conversion, the applicant must file in duplicate a Greek translation of the European application. Otherwise the application shall be deemed withdrawn.

3. Requests for conversion are entered in the Records Book, Volume A', "National application".

Article 22.

Cases of cumulative protection

1. If a national and a European patent with force in Greece have been granted for the same invention to the same inventor or patentee under the same filing or priority date, the Greek patent shall cease being in force as from the date on which:

- a. The term for filing an opposition with EPO has expired or,
- b. The examination procedure of the opposition has come to an end and the European patent remains in force.

2. Later nullification or cease of force of the European patent does not affect the application of paragraph 1.

3. The Greek Courts are competent to ascertain the cease of force of the Greek patent.

CHAPTER SEVEN

REGISTER - FINAL REGULATIONS

Article 23.

Registering

1. O.B.I. records in the patent Register, Volume B', "European Patents", the data related to European patents and included in the European Patent Register, in accordance with Rule 92 of the Implementing Regulations of the Convention.

2. The Register shall include only those European patents which have been published in the European Patent Bulletin, are in-force in Greece and for which the procedure of articles 11 and 12 of the present decree has been respected.

3. European patents recorded in the Patent Register shall be published in the Industrial Property Bulletin.

Article 24.

Entry into Force

The presidential decree shall enter into force on the date of its publication in the Official Journal of the Government.

The publication and execution of this decree shall be accomplished by the Minister of Industry, Energy and Technology.

PRESIDENTIAL DECREE No. 16/1991

“Implementing regulations of the Patent Cooperation Treaty as ratified by law No. 1883/1990”.

THE PRESIDENT OF THE HELLENIC REPUBLIC

Having regard to Article 4 of Law No. 1883/1990 on the Ratification of the Patent Cooperation Treaty done at Washington on June 19, 1990 and modified on October 20, 1979 and February 3, 1984 (Official Journal - FEK No. 45, A’).

Having regard to the provisions of Law No. 1558/1985 on Government and Governing Bodies (Official Journal - FEK No. 137, A’).

Having regard to the opinion No. 619/1990 of the Council of State following proposal from the Minister of Industry,

HEREBY DECIDES:

convention on the Patent Cooperation Treaty (PCT) done at Washington on June 19, 1970 and modified on October 2, 1979 and February 3, 1984 together with the Regulations thereof and ratified in Greece by Law No. 1883/1990 (Official Journal - FEK No. 45 A’/29.03.1990).

- b. “international application” shall mean the application filed under this Treaty.
- c. “certified translation” shall mean the translation done by a lawyer or any authority entitled to certify translations.
- d. “EPO” shall mean the European Patent Office as defined in the European Patent Convention (Convention on the Grant of European Patents) ratified in Greece by Law No. 1607/1986 (Official Journal - FEK No. 85 A’).

CHAPTER ONE

GENERAL PROVISIONS

Article 1.

Scope

This Presidential Decree shall be implemented in applications filed in accordance with the regulations under the Patent Cooperation Treaty (PCT) which may result in the grant of a patent in or for one of the Contracting States.

Article 2.

Definitions

For the purposes of this Decree:

- a. “Cooperation Treaty” shall mean the

CHAPTER TWO

RECEIPT OF THE INTERNATIONAL APPLICATION BY THE O.B.I.

Article 3.

Filing of the Application

1. The international application may be filed either at the Athens - seated Offices of the Industrial Property Organisation (O.B.I.) or at the branches thereof, if any, or alternatively with the European Patent Office in Munich or the Branch thereof at the Hague.

2. The international application must be filed with the O.B.I. if the applicant is a Greek citizen and provided that no priority for an earlier Greek application is claimed (art. 1 and 2 of Law No. 4325/1963 on “inventions concerning the national defense”).

3. An international application may be also filed through a registered letter upon receipt as provided for in Article 4, paragraph 3 of the Minister's Decision No. 15928/EFA/1253 on the filing of national applications.

Article 4.

Language of the Application

1. Any international application must be filed in one of the working languages of the EPO as the authority competent for the international searching pursuant to Article 16 and Rule 12 of the Treaty and Article 12 of this Decree. The working languages of the EPO are English, French, and German.

2. If the application must be filed with the O.B.I. pursuant to Article 3, paragraph 2 of this Decree, the international application must be also filed in Greek.

Article 5.

Contents of the Application

1. The international application shall contain at least the elements defined in Article 11, paragraph 1, iii of the Treaty, namely:

- a. an indication that the application is intended as an international application,
- b. the designation of at least one Contracting State,
- c. the name or the corporate name, the nationality, and the home or seat address of the applicant in a way that his identity may be established,
- d. a part which on the face of it appears to be a description,
- e. a part which on the face of it appears to be a claim or claims.

2. The international application shall have attached thereto the drawings to which refer the claims or the description, the title of the invention, the abstract and the documents of

legitimation of the applicant in the case of a legal person or in the case of a natural person if he is not the inventor.

3. The particulars of the international application must be completed on a printed form furnished by the O.B.I. free of charge to the applicant(s). The form is accompanied by a check list stating the item(s) contained in the application. The check list shall be completed either by the applicant himself or by the O.B.I. in accordance with Rule 3, paragraph 3 of the Treaty.

4. The international application and the documents contained therein must meet the physical requirements pursuant to Rule 11 of the Treaty.

5. The international application and the documents referred to in the check list, except the receipt for the fees paid, shall be filed in three copies of which the one shall be the record copy. If the copies are less than those required, they are completed ex officio by the O.B.I.

Article 6.

Designation of Inventor

The provisions concerning the national applications for the grant of a patent shall apply to the designation of inventor.

Article 7.

Receipt for International Application

1. The formalities officer of the O.B.I. shall receive the application intended as an international, shall write down on it and on any accompanying document the filing date and the international application serial number provided by the World Intellectual Property Organization (WIPO) and shall issue a receipt for the enclosed documents.

2. The receipt for documents contains the application number, the accompanying items and the date of receipt. A signed copy of the check list referred to in Rule 3, paragraph 3 of the Treaty shall be good as a receipt for an international application.

Article 8.

Filing date of the International Application

1. The O.B.I. shall accord a filing date to the international application provided that it has found that the following requirements are met on a cumulative basis:

- a. the applicant does not lack, for reasons of residence or nationality, the right to file an international application with the O.B.I.
- b. the international application is in the languages prescribed in Article 4, paragraphs 1 and 2 of this Decree.
- c. the international application contains the elements prescribed in Article 5, paragraph 1 of this Decree.

2. If the O.B.I. finds that the requirements listed in the above paragraph are fulfilled at the time of receipt, the O.B.I. shall accord as the international filing date the date of receipt.

3. If the international application fulfills the requirements listed in paragraph 1 of this Article, the formalities officer of the O.B.I. shall mark the margin of the applications form with the seal of the Organisation and shall write down the words PCT International Application. The so-sealed copy of the application shall thereafter be considered the true copy of the international application.

Article 9.

Registration of the International Application

The international application shall be recorded in the Patents Register as prescribed in the national legislation and the rules concerning the secrecy of the national patents.

Article 10.

Transmittal of the International Application

Following expiry of the deadlines set out by Articles 3 and 4 of Law 4325/1963 on "inventions concerning the national defence"

and provided that the international application shall have been deemed to be of no interest to the national defense of the country, the O.B.I. shall immediately transmit:

- a. the record copy of the international application and the accompanying documents to the WIPO.
- b. a copy of the international application and the accompanying documents to the EPO as the Searching Authority.
- c. a communication to the applicant informing him of the filing date accorded by the O.B.I. for the international application.

Article 11.

Correction of Defects in the International Application

1. If the O.B.I. finds that:

- a. the accompanying documents of the international application referred to in Article 5, paragraph 2 of this Decree are not completed, or
- b. the international application is not signed, or
- c. the documents of the application do not comply with the prescriptions of Rule 11 of the Treaty, or
- d. the name of the applicant or the reference to his address clearly state his identity but are not complete, invites the applicant to correct the application within a month from the invitation date. If the completion is made within the prescribed time limit, the international filing date shall be the date accorded under Article 8, paragraph 2 of this Decree. Otherwise, the application shall be considered withdrawn and the O.B.I. shall accordingly notify the applicant, the WIPO, and the EPO.

2. If the international application refers to drawings which, in fact, are not included in that application, the O.B.I. shall notify the applicant accordingly and he may furnish them within 30 days from the date of receipt

of the application and, if he does, the international filing date shall be the date on which the drawings are received by the O.B.I. Otherwise, any reference to the said drawings shall be considered non-existent.

3. If the requirements listed in paragraph 1 above are not complied with, the O.B.I. invites the applicant to correct and complete the application within 30 days from the invitation for correction and, if he does within the prescribed time limit, the filing date shall be the date of receipt of the corrections by the O.B.I. Otherwise, the international application shall be considered to be withdrawn and the applicant is so notified.

CHAPTER THREE

DESIGNATION OF GREECE - TRANSLATIONS

Article 12.

Designation of Greece

1. If the international application contains a designation of Greece as a Contracting State of the PCT and protection is sought in its territory, this application shall be considered as a European Patent application intended for protection in Greece.

2. Following its transmittal to the EPO, the international application with designation of Greece shall be subjected to the provisions of Law No. 1607/1986 on the ratification of the European Patent Convention (Official Journal - FEK No. 85 A') and of the Presidential Decree No. 77/1988 implementing regulations on the grant of European Patents (Official Journal - FEK No. 33 A').

Article 13.

Filing of the Translation

The filing of the translation of the claims

of the international application and the manner of claiming shall be subjected to the provisions of Article 9 of the Presidential Decree No. 77/1988 "implementing regulations on the grant of European Patents".

Article 14.

Provisional Protection

Whoever avails themselves of the rights deriving from the international application they shall be entitled to the provisional protection pursuant to Article 23, paragraph 2 of Law No. 1733/1987 as of the date of filing of the certified translation with the O.B.I. The publication date of the international application shall be the date of publication of the mention in the Industrial Property Bulletin.

Article 15.

The implementation of Article 12, paragraph 1 of this Decree concerning the grant of a European Patent valid in Greece following the filing of an international application shall fall within the provisions of Presidential Decree No. 77/1988.

CHAPTER FOUR

FEES - REPRESENTATION

Article 16.

Payment of Fees - Consequences

1. The filing of the international application with the O.B.I. shall be accompanied by the payment of a transmittal fee to it, for its own benefit, pursuant to Rule 14 of the Treaty.

The amount of the transmittal fee shall be due within one month from the receipt of the

international application by the O.B.I.

2. Additionally, the filing of the international application requires the payment of an international fee for the benefit of the WIPO and of a search fee for the benefit of the EPO.

Article 17.

Fees for the benefit of the O.B.I.
(The Transmittal Fee)

1. The transmittal fee for the international application shall be paid for the benefit of the O.B.I. and the amount shall be fixed in accordance with Article 24, paragraph 6 of Law No. 1733/1987 by decision of the administrative council of the O.B.I. This fee shall be refunded in full to the applicant if the international application fails to be transmitted to the WIPO within the time limit prescribed by Rule 22, paragraph 3 of the Treaty.

2. The mode of payment and the amount due for the rest of the fees to be payed for the benefit of the O.B.I. as prescribed in this Decree are as set out in the current Fee Regulations of the O.B.I.

Article 18.

Fees for the benefit of the WIPO
(The International Fee)

1. The O.B.I. requires that each international application shall be subject to the payment of an international fee for the benefit of the WIPO consisting of:

- a. a basic fee, and
- b. as many designation fees as there are national patents and regional patents sought by the application in the international application, except that if a regional patent is selected, only one designation fee shall be due.

2. The amount of the basic fee and of the designation fee shall be paid to the O.B.I. in

Greek drachmas in the equivalent of the amount in Swiss currency as set out in the Schedule of Fees of the WIPO and established by decision of the Director General of this International Organization.

3. The basic fee shall be paid to the O.B.I. within a month from the date of receipt of the international application.

4. The designation fee shall be paid:

- a. within one year from the date of receipt of the international application where the application does not contain a priority claim, or
- b. within one year from the priority date or within one month from the date of receipt of the international application where the application contains a priority claim.

5. The international fee shall be refunded in full to the applicant only if the O.B.I. establishes the opinion that the provisions of Article 8 of this Decree are not met and the international application is deemed to be withdrawn.

Article 19.

Fees for the benefit of the EPO
(The Search Fee)

1. For each international application a search fee for the benefit of the EPO shall be paid to the O.B.I.

2. The international fee is paid to the O.B.I. in Greek drachmas in the equivalent of the amount in German currency as established by the EPO after consultation with the WIPO.

3. The search fee shall be paid to the O.B.I. within one month from the date of receipt of the international application.

Article 20.

Transmittal of Fees

1. The total of fees collected by the O.B.I., either for the benefit of the WIPO or of

the EPO, are transmitted directly to the respective accounting departments.

2. Where, by the time they are due, the fees under Article 16 of this Decree are not paid within the prescribed time limit, the O.B.I. shall notify the competent service of the International Bureau, shall charge the amount required, and shall consider the said amount as if it had been paid by the applicant at the due time under Rule 16a of the Treaty.

Article 21.
Representation

1. The right to appearing in person or filing documents with the O.B.I. shall be conferred to the appointed beneficiaries of the international application or to their representative lawyer.

2. If the beneficiary of an international application has no residence or seat in Greece, he shall appoint an agent.

CHAPTER FIVE

FINAL PROVISIONS

Article 22.
Entry into Force

This Decree shall enter into force upon publication thereof in the Official Journal (FEK).

The publication and implementation of this Decree are assigned to the Minister of Industry, Energy and Technology.

COUNCIL REGULATION (EEC) No. 1768/1992 of JUNE 18, 1992

“Concerning the Creation of a Supplementary Protection Certificate for Medicinal Products”*

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission, ⁽¹⁾

In cooperation with the European Parliament, ⁽²⁾

Having regard to the opinion of the Economic and Social Committee, ⁽³⁾

Whereas pharmaceutical research plays a decisive role in the continuing improvement in public health;

Whereas medicinal products, especially those that are the result of long, costly research will not continue to be developed in the Community and in Europe unless they are covered by favourable rules that provide for sufficient protection to encourage such research;

Whereas at the moment the period that elapses between the filing of an application for a patent for a new medicinal product and authorization to place the medicinal product on the market makes the period of effective protection under the patent insufficient to cover the investment put into the research;

Whereas this situation leads to a lack of

protection which penalizes pharmaceutical research;

Whereas the current situation is creating the risk of research centres situated in the Member States relocating to countries that already offer greater protection;

Whereas a uniform solution at Community level should be provided for, there by preventing the heterogeneous development of national laws leading to further disparities which would be likely to create obstacles to the free movement of medicinal products within the Community and thus directly affect the establishment and the functioning of the internal market;

Whereas, therefore, the creation of a supplementary protection certificate granted, under the same conditions, by each of the Member States at the request of the holder of a national or European patent relating to a medicinal products for which marketing authorization has been granted in necessary; whereas a Regulation is therefore the most appropriate legal instrument;

Whereas the duration of the protection granted by the certificate should be such as to provide adequate effective protection; whereas, for this purpose, the holder of both a patent and a certificate should be able to enjoy an overall maximum of 15 years of exclusivity from the time the medicinal

(1) *EU No. C 114 of 08.05.1990, p. 10*

(2) *EU No. C 19 of 28.01.1991, p. 94 and EU No. C 150 of 15.06.1992*

(3) *EU No. C 69 of 18.03.1991, p. 22*

* *Official English title*

Entry into force: January 2, 1993, see also Article 21

Source: Official journal of the European Communities, No. L 182, July 2, 1992, pp 1 et seq.

product in question first obtains authorization to be placed on the market in the Community;

Whereas all the interests at stake, including those of public health, in a sector as complex and sensitive as the pharmaceutical sector must nevertheless be taken into account; whereas, for this purpose, the certificate cannot be granted for a period exceeding five years; whereas the protection granted should furthermore be strictly confined to the product which obtained authorization to be placed on the market as a medicinal product;

Whereas a fair balance should also be struck with regard to the determination of the transitional arrangements; whereas such arrangements should enable the Community pharmaceutical industry to catch up to some extent with its main competitors who, for a number of years, have been covered by laws guaranteeing them more adequate protection, while making sure that the arrangements do not compromise the achievement of other legitimate objectives both at national and Community level;

Whereas the transitional arrangements applicable to applications for certificates filed and to certificates granted under national legislation prior to the entry into force of this Regulation should be defined;

Whereas special arrangements should be allowed in Member States whose laws introduced the patentability of pharmaceutical products only very recently;

Whereas provision should be made for appropriate limitation of the duration of the certificate in the special case where a patent term has already been extended under a specific national law,

has adopted this Regulation:

Article 1. Definitions

For the purposes of this Regulation:

- a. “medicinal product” means any substance or combination of substances presented for treating or preventing disease in human beings or animals and any substance or combination of substances which may be administered to human beings or animals with a view to making a medical diagnosis or to restoring, correcting or modifying physiological functions in humans or in animals;
- b. “product” means the active ingredient or combination of active ingredients of a medicinal product;
- c. “basic patent” means a patent which protects a product as defined in (b) as such, a process to obtain a product or an application or a product, and which is designated by its holder for the purpose of the procedure for grant of a certificate;
- d. “certificate” means the supplementary protection certificate.

Article 2. Scope

Any product protected by a patent in the territory of a Member State and subject, prior to being placed on the market as a medicinal product, to an administrative authorization procedure as laid down in Council Directive 65/65/EEC or Directive 81/851/EEC may, under the terms and conditions provided for in this Regulation, be the subject of a certificate.

Article 3.

Conditions for Obtaining a Certificate

A certificate shall be granted if, in the Member State in which the application referred to in Article 7 is submitted and at the date of that application:

- a. the product is protected by a basic patent in force;
- b. a valid authorization to place the product

- on the market as a medicinal product has been granted in accordance with Directive 65/65/EEC ⁽¹⁾ or Directive 81/851/EEC, ⁽²⁾ as appropriate;
- c. the product has not already been the subject of a certificate;
 - d. the authorization referred to in (b) is the first authorization to place the products on the market as a medicinal product.

Article 4.

Subject Matter of Protection

Within the limits of the protection conferred by the basic patent, the protection conferred by a certificate shall extend only to the product covered by the authorization to place the corresponding medicinal product on the market and for any use of the product as a medicinal product that has been authorized before the expiry of the certificate.

Article 5.

Effects of the Certificate

Subject to the provisions of Article 4, the certificate shall confer the same rights as conferred by the basic patent and shall be subject to the same limitations and the same obligations.

Article 6.

Entitlement to the Certificate

The certificate shall be granted to the holder of the basic patent or his successor in title.

Article 7.

Application for a Certificate

1. The application for a certificate shall be lodged within six months of the date on which the authorization referred to in Article 3(b) to place the product on the market as a medicinal product was granted.

2. Notwithstanding paragraph 1, where the authorization to place the product on the market is granted before the basic patent is granted, the application for a certificate shall be lodged within six months of the date on which the patent is granted.

Article 8.

Content of the Application for a Certificate

1. The application for a certificate shall contain:

- a. a request for the grant of a certificate, stating in particular:
 - i) the name and address of the applicant;
 - ii) if he has appointed a representative, the name and address of the representative;
 - iii) the number of the basic patent and the title of the invention;
 - iv) the number and date of the first authorization to place the product on the market, as referred to in Article 3(b) and, if this authorization is not the first authorization for placing the product on the market in the Community, the number and date of that authorization;
- b. a copy of the authorization to place the product on the market, as referred to in

(1) *EU No. L 22 of 09.12.1965, p. 369/65, Directive amended by Directive 89/341/EEC (EU No. 142 of 25.05.1989, p. 11)*

(2) *EU No. L 317 of 06.11.1981, p. 1, Directive amended by Directive 90/676/EEC (EU No. L 373 of 31.12.1990, p. 15)*

Article 3(b), in which the product is identified, containing in particular the number and date of the authorization and the summary of the product characteristics listed in Article 4a of Directive 65/65/EEC or Article 5a of Directive 81/851/EEC;

- c. if the authorization referred to in (b) is not the first authorization for placing the product on the market as a medicinal product in the Community, information regarding the identity of the product thus authorized and the legal provision under which the authorization procedure took place, together with a copy of the notice publishing the authorization in the appropriate official publication.

2. Member States may provide that a fee is to be payable upon application for a certificate.

Article 9.

Lodging of an Application for a Certificate

1. The application for a certificate shall be lodged with the competent industrial property office of the Member State which granted the basic patent or on whose behalf it was granted and in which the authorization referred to in Article 3(b) to place the product on the market was obtained, unless the Member State designates another authority for the purpose.

2. Notification of the application for a certificate shall be published by the authority referred to in paragraph 1. The notification shall contain at least the following information:

- a. the name and address of the applicant;
- b. the number of the basic patent;
- c. the title of the invention;
- d. the number and date of the authorization to place the product on the market, referred to in Article 3(b), and the product identified in that authorization;
- e. where relevant, the number and date of

the first authorization to place the product on the market in the Community.

Article 10.

Grant of the Certificate or Rejection of the Application

1. Where the application for a certificate and the product to which it relates meet the conditions laid down in this Regulation, the authority referred to in Article 9(1) shall grant the certificate.

2. The authority referred to in Article 9(1) shall, subject to paragraph 3, reject the application for a certificate if the application or the product to which it relates does not meet the conditions laid down in this Regulation.

3. Where the application for a certificate does not meet the conditions laid down in Article 8, the authority referred to in Article 9(1) shall ask the applicant to rectify the irregularity, or to settle the fee, within a stated time.

4. If the irregularity is not rectified or the fee is not settled under paragraph 3 within the stated time, the authority shall reject the application.

5. Member States may provide that the authority referred to in Article 9(1) is to grant certificates without verifying that the conditions laid down in Article 3(c) and (d) are met.

Article 11.

Publication

1. Notification of the fact that a certificate has been granted shall be published by the authority referred to in Article 9(1). The notification shall contain at least the following information:

- a. the name and address of the holder of the certificate;
- b. the number of the basic patent;
- c. the title of the invention;

- d. the number and date of the authorization to place the product on the market referred to in Article 3(b) and the product identified in that authorization;
- e. where relevant, the number and date of the first authorization to place the product on the market in the Community;
- f. the duration of the certificate.

2. Notification of the fact that the application for a certificate has been rejected shall be published by the authority referred to in Article 9(1). The notification shall contain at least the information listed in Article 9(2).

Article 12.

Annual Fees

Member States may require that the certificate be subject to the payment of annual fees.

Article 13.

Duration of the Certificate

1. The certificate shall take effect at the end of the lawful term of the basic patent for a period equal to the period which elapsed between the date on which the application for a basic patent was lodged and the date of the first authorization to place the product on the market in the Community reduced by a period of five years.

2. Notwithstanding paragraph 1, the duration of the certificate may not exceed five years from the date on which it takes effect.

Article 14.

Expiry of the Certificate

The certificate shall lapse:

- a. at the end of the period provided for in Article 13;

- b. if the certificate-holder surrenders it;
- c. if the annual fee laid down in accordance with Article 12 is not paid in time;
- d. if and as long as the product covered by the certificate may no longer be placed on the market following the withdrawal of the appropriate authorization or authorizations to place on the market in accordance with Directive 65/65/EEC or Directive 81/851/EEC. The authority referred to in Article 9(1) may decide on the lapse of the certificate either of its own motion or at the request of a third party.

Article 15.

Invalidity of the Certificate

1. The certificate shall be invalid if:

- a. it was granted contrary to the provisions of Article 3;
- b. the basic patent has lapsed before its lawful term expires;
- c. the basic patent is revoked or limited to the extent that the product for which the certificate was granted would no longer be protected by the claims of the basic patent or, after the basic patent has expired, grounds for revocation exist which would have justified such revocation or limitation.

2. Any person may submit an application or bring an action for a declaration of invalidity of the certificate before the body responsible under national law for the revocation of the corresponding basic patent.

Article 16.

Notification of Lapse or Invalidity

If the certificate lapses in accordance with Article 14(b), (c) or (d) or is invalid in accordance with Article 15, notification thereof shall be published by the authority referred to in Article 9(1).

Article 17.

Appeals

The decisions of the authority referred to in Article 9(1) or of the body referred to in Article 15(2) taken under this Regulation shall be open to the same appeals as those provided for in national law against similar decisions taken in respect of national patents.

Article 18.

Procedure

1. In the absence of procedural provisions in this Regulation, the procedural provisions applicable under national law to the corresponding basic patent shall apply to the certificate, unless that law lays down special procedural provisions for certificates.

2. Notwithstanding paragraph 1, the procedure for opposition to the granting of a certificate shall be excluded.

TRANSITIONAL PROVISIONS

Article 19.

1. Any product which, on the date on which this Regulation enters into force, is protected by a valid basic patent and for which the first authorization to place it on the market as a medicinal product in the Community was obtained after January 1, 1985, may be granted a certificate.

In the case of certificates to be granted in Denmark and in Germany, the date of January 1, 1985, shall be replaced by that of January 1, 1988.

In the case of certificates to be granted in Belgium and in Italy, the date of January 1, 1985, shall be replaced by that of January 1, 1982.

2. An application for a certificate as referred to in paragraph 1 shall be submitted within six months of the date on which this Regulation enters into force.

Article 20.

This Regulation shall not apply to certificates granted in accordance with the national legislation of a Member State before the date on which this Regulation enters into force or to applications for a certificate filed in accordance with that legislation before the date of publication of this Regulation in the Official Journal of the European Communities.

Article 21.

In those Member States whose national law did not on January 1, 1990, provide for the patentability of pharmaceutical products, this Regulation shall apply five years after the entry into force of this Regulation.

Article 19 shall not apply in those Member States.

Article 22.

Where a certificate is granted for a product protected by a patent which, before the date on which this Regulation enters into force, has had its term extended or for which such extension was applied for, under national patent law, the term of protection to be afforded under this certificate shall be reduced by the number of years by which the term of the patent exceeds 20 years.

FINAL PROVISION

Article 23.

Entry into Force

This Regulation shall enter into force six months after its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

PRESIDENTIAL DECREE No. 45/1991

"Legal Protection of Topographies of semiconductor products in compliance with Council Directive 87/54/EEC of 16 December 1986 as supplemented by Decision 87/532/EEC and 88/311/EEC".

THE PRESIDENT OF THE HELLENIC
REPUBLIC

628/1990 of the Council of State following proposal from the Deputy Minister of the National Economy and the Ministers of Justice, Industry, Energy and Technology,

HEREBY DECIDES:

CHAPTER ONE

GENERAL PROVISIONS

Article 1.

Objective

The objective of this Decree is to transpose Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products, published in Greek in the Official Journal of the European Communities on 27 January 1987 (Official Journal NO. 24), as amended by Decision 87/532/EEC of 26 October 1987 published in Greek in the Official Journal of the European Communities on 4 November 1987 (Official Journal No. 131) and Decision 88/311/EEC of 31 May 1988.

Article 2.

Definitions

For the purposes of this Decree:

- a. a "semiconductor product" shall mean the final or an intermediate form of any product:

1. Having regard to Articles 4 and 5 of Law 1338/1983 on the Implementation of Community Law (Greek Government Journal 34, vol. A) as amended and supplemented with Article 6(4) of Law 1440/1984 on participation of Greece in the Capital, Reserves and Commitments of the European Coal and Steel Community and the Euratom Supply Organisation (GGG 70, vol. A), as amended with Article 7 of Law 1775/1988 on companies providing venture capital and other provisions (GGG 101, vol. A);

2. Having regard to Law 945/1979 on Ratification of the Treaty of accession of Greece to the European Economic Community (GGG 170, vol. A) of 27 July 1979;

3. Having regard to the Act of Accession of the Kingdom of Spain and the Portuguese Republic to the European Economic Community and the European Economic Energy Community (Official Journal No. 302/15.01.1985) as ratified by Law 1572/1985 (GGG 193, vol. A, 1985);

4. Having regard to Article 1(2) of Law 1733/1987 on the Transfer of Technology, Inventions, Technological Innovation and the Creation of an Atomic Energy Committee (GGG 171, vol. A);

5. Having regard to Decision of the Prime Minister G 1250 of 15 January 1991 (GGG vol. B, 10) supplementing decision G 1201 of 5 October 1990,

6. Having regard to the opinion No.

- i) consisting of a body of material which includes a layer of semiconducting material; and
 - ii) having one or more other layers composed of conducting, insulating or semiconducting material, the layers being arranged in accordance with a predetermined three-dimensional pattern; and
 - iii) intended to perform, exclusively or together with other functions, an electronic function;
- b. the “topography” of a semiconductor product shall mean a series of related images, however fixed or encoded;
- i) representing the three-dimensional pattern of the layers of which a semiconductor product is composed; and
 - ii) in which series, each image has the pattern or part of the pattern of a surface of the semiconductor product at any stage of its manufacture;
- c. a “commercial exploitation” means the sale, rental, leasing or any other method of commercial distribution, or an offer for these purposes.
- The above-mentioned commercial exploitation shall not include exploitation under conditions of confidentiality to the extent that no further distribution to third parties occurs, unless the exploitation of a topography occurs under conditions of confidentiality for the protection of the essential interests of State security which are connected with the production or trade of arms, munition and war material in accordance with the provisions of Article 223(1)(b) of the EEC Treaty.
- d. “O.B.I.” is the Athens-based Industrial Property Organisation (Law No. 1733/1987).

Article 3.

Conditions of protection

- 1. The topography of a semiconductor

- product shall be protected in accordance with the provisions of this Decree, provided
 - a. it is the result of its creator’s own intellectual effort; and
 - b. it is not commonplace in the semiconductor industry.

2. Topographies which consist of elements that are commonplace in the semiconductor industry shall be protected only to the extent that the combination of such elements, taken as a whole, fulfils the conditions set out in paragraph 1.

3. The true copy of a topography shall not be a product of intellectual effort.

4. Protection of a topography does not extend to the principles, procedures, systems, technology or coded information incorporated in that topography.

CHAPTER TWO

ENTITLEMENTS AND PROCEDURES

Article 4.

Right to acquire protection

1. The creator or owner pursuant to Article 7 of this Decree, and his successors, shall be entitled to have their topography protected.

2. The creator is the person who first files an application for registration of a topography in accordance with Article 6 of this Decree.

Article 5.

Co-ownership of a topography

If several persons created the topography together and provided no agreement specifying otherwise exists, the right shall belong to them all jointly. Each co-owner may freely transfer his share and

attend to the protection of the common topography. ⁽¹⁾

Article 6.

Right to register a topography

1. The following persons shall have the right to file an application for registration with the O.B.I. and to protection of topography in accordance with Articles 4 and 9 of this Decree:

- a. natural persons who are nationals of a member State of European Union or have their habitual residence on the territory of a Member State or of a Member State of the European Free Trade Association (EFTA), with the exception of Switzerland;⁽²⁾
- b. companies or other legal persons which have a real and effective industrial or commercial establishment on the territory of a Member State of the Union or of a Member State of the European Free Trade Association (EFTA), with the exception of Switzerland. ⁽²⁾

2. The right referred to in paragraph 1 shall also extend to natural persons who are nationals of one of the following countries or have their habitual residence in such a country, and to companies or other legal persons which have their commercial or industrial establishment there:

- *Australia*
- *Collectivité territoriale de Saint-Piere et Miguelon*
- *French Polynesia*
- *French Southern and Antarctic Territories*
- *Iceland*
- *Japan*
- *Liechtenstein*
- *New Kalidonia and dependancies*
- *Norway*
- *Canada*

- *Switzerland*
- *Wallis and Futuna Islands*

3.a. The right to protection under paragraph 1 shall also extend to natural persons who are nationals of the United States of America or nationals of one of the following territories or have their habitual residence in one of these territories:

- *Anguilla*
- *Aruba*
- *Bermuda*
- *British Indian Ocean territory*
- *British Virgin Islands*
- *Cayman Islands*
- *English Normand Islands*
- *Falkland Islands*
- *Hong Kong*
- *Man Island*
- *Montserrat*
- *Pitcairn*
- *St Helena*
- *St Helena dependancies (Ascension, Tristan da Cunha Islands)*
- *South Georgia and the South Sandwich Islands*
- *Turks and Caicos Islands*
- *Netherlands Antilles*

b. The right referred to in paragraph 1 shall also extend to companies or other legal persons of the United States of America or of any of the territories which are listed in paragraph a. and have an effective industrial or commercial establishment in the United States or in one of these territories subject to the condition that Greek companies which have a right to protection under the terms of this Decree benefit from protection in the United States or in the specific territory and as long as the fulfilment of this condition is ascertained by the Commission of the Council and is officially stated to the member - states.

4. If under the terms of above

(1) **Paragraph 2 of Article 5 is aborished by Article 2(a) of P.D. 415/1995**

(2) **As amended by Article 2b of P.D. 415/1995**

paragraphs no right to protection is provided, this right shall also apply in favour of natural persons who are nationals or residents of a Member State, or in favour of legal persons who have a real and effective industrial or commercial establishment in such a Member State, and who

- a. first commercially exploit within Greece or another Member State of the Union a topography which has not yet been exploited commercially anywhere in the world; and
- b. have been exclusively authorised to exploit commercially the topography throughout the Union by the persons entitled to dispose of it. ⁽¹⁾

5. The right to protection referred to in paragraph 1 shall also apply in favour of the successors in title of the persons mentioned in paragraphs 1, 2, 3 and 4.

As regards conditions of representation vis-a-vis the O.B.I. and other data, the provisions in force relating to patents set out in Law No. 1733/1987 and the administrative acts in implementation of this law shall apply.

Article 7.

Topographies created by employees

1. A topography created by an employee shall belong to him (free topography) unless it is either a service topography which belongs entirely to the employer or a dependent topography, of which 40% belongs to the employer and 60% to the employee.

2. A service topography is the product of a contractual relationship between employee and employer concerning the development of intellectual effort.

In the event of creation of a service topography, the employee shall be entitled

to fair supplementary remuneration, if the topography is particularly profitable to the employer.

3. A dependent topography is a topography which is created by the employee with the aid of materials, means or information provided by the firm or the legal entity employing him. The employer shall be entitled to exploit the dependent topography provided he remunerates the creator, in line with the economic value of the topography and the resultant profits. The creator of a dependent topography shall immediately inform the employer in writing that he has created the topography and provide the necessary data for filing a joint application for registration. If the employer does not declare in writing to the employee within four months of the above communication that he is interested in co-filing the application, this may be submitted by the employee alone, in which case the topography shall belong to the employee alone.

4. The protection right of paragraphs 2 and 3 is applied only in the case that there is no contrary regulatory agreement concluded by the employer and employee. ⁽²⁾

5. At all events the name of the creator shall be mentioned in the registration certificate and the creator shall be entitled to request protection from the applicant or to request recognition as creator from the holder of the certificate.

Article 8.

Vindication

1. The rightful owner of the topography may, whenever a third party has filed without his consent an application for registration of a topography relating to his topography or essential elements of this topography, file a claim against this third party for recognition of the rights deriving from his application

(1) **As amended by Article 2(c) P.D. 415/1995**

(2) **As amended by Article 3 P.D. 415/1995**

and, if a certificate of registration has been granted, of the rights which derive from this certificate.

2. This claim must be filed within two years of publication of the registration particulars in the Industrial Property Bulletin. This deadline shall not apply if the holder of the certificate was aware at the time the certificate was registered or at the time of transfer of the topography of the right of the claimant.

3. A summary of this irrevocable decision in recognition of such a claim shall be deposited with the Register of Topographies.

4. From the date of deposition the licences as well as any other right concerning the topography are considered null and void. The losing party as well as third parties may request from the recognised owner the concession, against remuneration, of a non exclusive license for a reasonable period, provided that they are utilising the topography in good faith or had taken the necessary precautions for its utilisation. If the parties fail to reach agreement, the conditions fixed by the Court of First Instance of the claimant's place of residence, in conformity with the procedure laid down in Articles 741 to 781 of the Code of Civil Procedure, shall apply.

CHAPTER THREE

REGISTRATION PROCEDURE - CERTIFICATE

Article 9.

Filing of applications

1. Whoever wishes to register a topography must file an application with the O.B.I., which must contain:

- a. the full name, nationality, place of residence or head office and address of the depositor for the purposes of Article 6 of this Presidential Decree.

- b. a description of the topography in accordance with Article 2 of this Presidential Decree.
- c. a declaration of the date when the topography was first exploited on a non-confidential commercial basis, when this date is earlier than that of the date of registration. This declaration must prove that the time limit stipulated in paragraph 4 above has been respected;
- d. an application for registration of the topography. This application shall be accompanied by proof of payment of the deposition and registration fee for the topography.

2. Insofar as the application satisfies all the conditions of paragraph 1, it shall be accepted for filing, it shall be considered regular, and a date of filing shall be recorded in the register.

3. The application shall be accompanied by the following documents:

- a. the drawings or images to which the description refers
- b. where relevant, the material representing the topography
- c. the depositor's documents of legitimation in the case of a legal person or in the case of a natural person if he is not the creator.

4. Within a period of two years following the first commercial exploitation of a topography, the creator of the topography shall submit an application for registration of the topography with the O.B.I. Otherwise, the application shall be deemed to be overdue, no date of registration will be granted by the O.B.I., nor exclusive rights shall be granted.

5. The provisions of Law No. 1733/1987 on patents shall apply *mutatis mutandis*.

Article 10.

Secrecy of a topography

1. If during registration with the O.B.I. of the particulars referred to in Article 9(1)(b)

and (3)(a) and (b) of this Decree the depositor declares that these particulars constitute commercial secrets, the O.B.I. shall attribute the character secret and shall keep the particulars in a special sealed envelope. The secret particulars shall not be divulged or made available to the public. Divulging of secret particulars shall be punishable under the terms of Article 17 of Law No. 146/1914 on Unfair Competition (GGG 30).

2. The secrecy referred to in paragraph 1 is deemed to be withdrawn after a ruling by the responsible court on parties to disputes concerning the validity or infringement of exclusive rights derived from a protected topography.

Article 11.
Additional particulars

1. Within ten months of the orderly deposition, the depositor shall submit to the O.B.I. the annexed particulars as described in Article 9(3) of this Decree, in which case the application shall be considered complete.

2. If, on expiry of this time limit, the O.B.I. establishes that not all of the particulars have been submitted, the application shall be considered as not filed.

Article 12.
Certificate of registration

1. If the application for registration of a topography is complete and orderly, in accordance with Articles 9 and 11 of this Decree, the O.B.I. shall grant a certificate of registration of a semiconductor product topography, without determining whether the conditions of Article 3 of this Decree have been satisfied, at the depositor's responsibility.

2. Under reserve of Article 10, on granting of the certificate of registration, third

parties may request information on and copies of the application and additional particulars concerning the protected topography.

3. The data of the application shall be published in the Industrial Property Bulletin.

CHAPTER FOUR

**RIGHTS DERIVING
FROM THE PROTECTED TOPOGRAPHY -
DURATION OF PROTECTION -
INHERITANCE AND AUTHORISATION
OF EXPLOITATION**

Article 13.
Content of the right

1. The creator of a protected semiconductor product topography shall have the exclusive right to authorise or prohibit any of the following acts within the time limit set out in Article 14:

- a. reproduction of a topography insofar as it is protected under Article 3 of this Decree;
- b. commercial exploitation or the importation for that purpose of a topography or a semiconductor product manufactured by using the protected topography.

2. For the purposes of the above paragraph, the creator of the protected topography may not prohibit the following activities:

- a. private reproduction or use of the topography for non-commercial purposes
- b. the reproduction of a topography with a view to analysis, evaluation or teaching the concepts, processes, systems or techniques embodied in the topography or the topography itself.

3. If analysis or evaluation in accordance with Paragraph 2(b) of a protected topography leads to the creation of another

topography which satisfies the prerequisites of Article 3 of this Decree, the exclusive rights deriving from the protected topography shall not be extended to the newly created topography.

4. The exclusive rights referred to in paragraph 1 shall not apply when the topography or the semiconductor product has been put on the market in a Member State of the European Union by the person entitled to authorise its marketing or with his consent.

5. A person who, commercially exploits a semiconductor product or a topography, does not know, or has no reasonable grounds to believe that the product or the topography are protected by an exclusive right conferred by a Member State in conformity with this decision, shall be entitled to continue to commercially exploit that product.

6. The person holding the exclusive right may require the payment of adequate compensation for acts committed after that person exploiting the topography or the semiconductor product in accordance with paragraph 5 knows, or has reasonable grounds to believe that the semiconductor is so protected.

7. The court responsible for hearing claims under Paragraph 6 of this Decree shall be the Extended Court of First Instance at the plaintiff's place of residence and shall rule in conformity with the procedure set out in Articles 741 to 781 of the Code of Civil Procedure.

Article 14.

Beginning and end of protection

1. The exclusive right granted under Article 13 of this Decree shall commence on

the day following the day of orderly filing with the O.B.I. of the application for registration of the topography.

2. Whenever the date of first commercial exploitation of the topography is later than the date referred to in paragraph 1, the said exclusive right shall come into existence on the day following the date of first commercial exploitation. ⁽¹⁾

3. The exclusive rights referred to in Article 13 shall come to an end ten years from the earlier of the following dates:

- a. the end of the calendar year during which the topography is first commercially exploited anywhere in the world;
- b. the end of the calendar year during which the application for registration has been filed with the O.B.I.

4. Where a topography has not been commercially exploited anywhere in the world within a period of 15 years from its first fixation or encoding, any exclusive rights in existence pursuant to paragraph 1 shall come to an end.

Article 15.

Succession - licenses

1. The right to registration of a topography and the exclusive rights deriving from a protected topography may be transferred through written agreement or through inheritance. Transfer shall consist of the registration of the agreement or the inheritance certificate with the Topographies Register and shall be published in the Industrial Property Bulletin. Paragraphs 2, 3, 4, 5 and 6 of law No. 1733/1987 shall apply mutatis mutandis.

2. Articles 12, 13 and 14 of Law No. 1733/1987 shall also apply to the right concerning topography.

(1) **As amended by article 4 of P.D. 415/1995**

CHAPTER FIVE

NULLITY - INFRINGEMENT

Article 16.

Nullity

The right to the topography shall be declared null and void by court order if:

- a. the holder of the certificate of the protected topography is not the creator or the transferee or the person entitled in accordance with Article 7
- b. the topography is not entitled to protection under Article 3
- c. the application for registration of the topography is submitted after expiry of the time limit set out in Article 9, paragraph 4
- d. the depositor of the application for registration does not belong to the category of persons defined in Article 6. Otherwise Article 15(2) and (3) of Law No. 1733/1987 shall apply.

Article 17.

Action before justice - infringement

1. In the event of an infringement or threatened infringement of an exclusive right deriving from the protected topography, the holder of the topography shall be entitled to request suspension of the infringement and the omission of an infringement in the future.

2. In case of intentional infringement, the plaintiff shall be entitled to demand

restitution of the damage or return of the benefit deriving from the illicit exploitation of the protected topography or payment of a sum corresponding to the value of the license.

3. Paragraphs 3, 4 and 5 of Article 17 of Law 1733/1987 shall apply *mutatis mutandis*.

4. The rights set out in paragraph 2 shall also be recognised in respect of any person who has reason to believe that the topography is protected if a third party reproduces, commercially exploits or imports it in bad faith.

Article 18.

Final provisions

1. The provisions of this Decree shall not affect the implementation of any other legal provisions concerning industrial property.

2. Protection of topographies under the terms of provisions concerning intellectual property shall not be applicable whenever the topographies have been created after the entry into force of this Decree.

Article 19.

Entry into force

This Presidential Decree shall enter into force upon publication in the *Government Gazette*.

The Minister of Industry, Energy and Technology shall be responsible for publishing this Decree.

LAW No. 2417/1996

“Ratification of the Convention of The Hague on the international lodging of industrial designs and specimens of 6 November 1925, as revised at The Hague on 28 November 1967, and of the Supplementary Act of Stockholm of 14 July 1967, as amended at Stockholm on 28 September 1979”¹

Article 3.

Definition of a design or specimen

1. For the purposes of the implementation of national legislation, by the following shall be meant:

- a. “Design or specimen”: the external visible image of the whole or a part of a product which results from the individual characteristics which it possesses, and particularly, the line, the outline, the colour, the pattern, the form and/or the materials of the product itself and/or of the decoration which it bears.
- b. “Product”: any industrial or craft industry product, included in which are constituents intended for assembly into a composite product, the packaging, presentation, graphic symbols, and typographical features, but computer programmes are excluded.

2. A design or specimen is protected if it is new and has an individual character.

3. There shall be no right in a design or specimen which is contrary to public order or good morals.

4. National entitlement to protection of a design or specimen shall be governed *mutatis mutandis* by the same provisions on acquisition, succession, exploitation, invalidity, forfeiture, and entry in the registers of the Industrial Property Organisation (O.B.I.) which have force as to patents by virtue of Law 1733/1987 “Transfer of technology, inventions, and technological

innovation” (Government Gazette 171 A’), Articles 2, 3, 4, 6, 7, 10, 12, 15, 16, 17 and 24.

Article 4.

Delegations

Presidential Decrees, issued on the proposal of the Minister of Development, to whom the Board of Management of the Industrial Property Organisation shall act as rapporteur, shall regulate the details of the implementation of this law and of the Convention of The Hague as to Greece, and particularly the lodging and procedure for acceptance of international and national applications by the O.B.I., the beneficiaries of entitlement to protection, the commencement, duration and content of the national protection afforded to designs and specimens, the entering of designs and specimens in the registers of the O.B.I., and the publication of their particulars in the Special Industrial Property Bulletin, invalidity or preclusion of registration, the collection of procedural duties and renewal duties by the O.B.I., transitional regulations, and matters concerning the accumulation of protection by means of other rights of industrial or intellectual property, the detailed definition of the new character and individuality of the national design as terms for the protection of the design or specimen, the terms for the granting of a certificate of national protection, the terms for protection, the

(1) ***The provisions which concern national entitlement to protection are given.***

effects of international registration in the case of Greece, and any other related matter.

Article 5.

The present law shall come into force from its publication in the Government

Gazette and of the Convention and Supplementary Act which are ratified in accordance with the provisions of Articles 26 and 9, respectively.

We order the publication of the present law in the Government Gazette and its execution as a law of the State.

REGULATION (EC) No. 1610/1996 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of JULY 23, 1996

Concerning the Creation of a Supplementary Protection Certificate for plant protection products

THE EUROPEAN PARLIAMENT AND THE
COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission,⁽¹⁾

Having regard to the opinion of the Economic and Social Committee,⁽²⁾

Acting in accordance with the procedure referred to in Article 189b of the Treaty,⁽³⁾

1. Whereas research into protection products contributes to the continuing improvement in the production and procurement of plentiful food of good quality at affordable prices;

2. Whereas plant protection research contributes to the continuing improvement in crop production;

3. Whereas plant protection products, especially those that are the result of long, costly research, will continue to be developed in the Community and in Europe if they are covered by favourable rules that provide for sufficient protection to encourage such research;

4. Whereas the competitiveness of the plant protection sector, by the very nature of the industry, requires a level of protection for

innovation which is equivalent to that granted to medicinal products by Council Regulation (EEC) No. 1768/1992 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products;⁽⁴⁾

5. Whereas at the moment, the period that elapses between the filing of an application for a patent for a new plant protection product and authorization to place the said plant protection product on the market makes the period of effective protection under the patent insufficient to cover the investment put into the research and to generate the resources needed to maintain a high level of research;

6. Whereas this situation leads to a lack of protection which penalizes plant protection research and the competitiveness of the sector;

7. Whereas, one of the main objectives of the supplementary protection certificate is to place European industry on the same competitive footing as its North American and Japanese counterparts;

8. Whereas, in its Resolution of 1 February 1993⁽⁵⁾ on a Community programme of policy and action in relation to the environment and sustainable development, the Council adopted the general approach and strategy of the

(1) OJ C 390, 31.12.1994, p. 21 and OJ C 335, 13.12.1995, p. 15.

(2) OJ No. C 155, 21.06.1995, p. 14.

(3) Opinion of the European Parliament of 15 June 1995 (OJ C 166, 03.07.1995, p. 89), common position of the Council of 27 November 1995 (OJ C 353, 30.12.1995, p. 36) and decision of the European Parliament of 12 March 1996 (OJ C 96, 01.04.1996, p. 30).

(4) OJ No. L 182, 02.07.1992, p. 1.

(5) OJ No. C 138, 17.05.1993, p. 1.

programme presented by the Commission, which stressed the interdependence of economic growth and environmental quality; whereas improving protection of the environment means maintaining the economic competitiveness of industry; whereas, accordingly, the issue of a supplementary protection certificate can be regarded as a positive measure in favour of environmental protection;

9. Whereas a uniform solution at Community level should be provided for, thereby preventing the heterogeneous development of national laws leading to further disparities which would be likely to hinder the free movement of plant protection products within the Community and thus directly affect the functioning of the internal market; whereas this is in accordance with the principle of subsidiarity as defined by Article 3b of the Treaty;

10. Whereas, therefore, there is a need to create a supplementary protection certificate granted, under the same conditions, by each of the Member States at the request of the holder of a national or European patent relating to a plant protection product for which marketing authorization has been granted is necessary; whereas a Regulation is therefore the most appropriate legal instrument;

11. Whereas the duration of the protection granted by the certificate should be such as to provide adequate, effective protection; whereas, for this purpose, the holder of both a patent and a certificate should be able to enjoy an overall maximum of fifteen years of exclusivity from the time the plant protection product in question first obtains authorization to be placed on the market in the Community;

12. Whereas all the interests at stake in a sector as complex and sensitive as plant protection must nevertheless be taken into account; whereas, for this purpose, the certificate cannot be granted for a period exceeding five years;

13. Whereas the certificate confers the

same rights as those conferred by the basic patent; whereas, consequently, where the basic patent covers an active substance and its various derivatives (salts and esters), the certificate confers the same protection;

14. Whereas the issue of a certificate for a product consisting of an active substance does not prejudice the issue of other certificates for derivatives (salts and esters) of the substance, provided that the derivatives are the subject of patents specifically covering them;

15. Whereas a fair balance should also be struck with regard to the determination of the transitional arrangements; whereas such arrangements should enable the Community plant protection industry to catch up to some extent with its main competitors, while making sure that the arrangements do not compromise the achievement of other legitimate objectives concerning the agricultural policy and environment protection policy pursued at both national and Community level;

16. Whereas only action at Community level will enable the objective, which consists in ensuring adequate protection for innovation in the field of plant protection, while guaranteeing the proper functioning of the internal market for plant protection products, to be attained effectively;

17. Whereas the detailed rules in recitals 12, 13 and 14 and in Articles 3 (2), 4, 8 (1)(c) and 17 (2) of this Regulation are also valid, *mutatis mutandis*, for the interpretation in particular of recital 9 and Article 3, 4, 8 (1)(c) and 17 of Council Regulation (EEC) No. 1768/1992,

HAVE ADOPTED THIS REGULATION:

Article 1. Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. "*plant protection products*": active

substances and preparations containing one or more active substances, put up in the form in which they are supplied to the user, intended to:

- a. protect plants or plant products against all harmful organisms or prevent the action of such organisms, in so far as such substances or preparations are not otherwise defined below;
- b. influence the life processes of plants, other than as a nutrient (e.g. plant growth regulators);
- c. preserve plant products, in so far as such substances or products are not subject to special Council or Commission provisions on preservatives;
- d. destroy undesirable plants;
- e. destroy parts of plants, check or prevent undesirable growth of plants;

2. “*substances*”: chemical elements and their compounds, as they occur naturally or by manufacture, including any impurity inevitably resulting from the manufacturing process;

3. “*active substances*”: substances or micro-organisms including viruses, having general or specific action:

- a. against harmful organisms; or
- b. on plants, parts of plants or plant products;

4. “*preparations*”: mixtures or solutions composed of two or more substances, of which at least one is an active substance, intended for use as plant protection products;

5. “*plants*”: live plants and live parts of plants, including fresh fruit and seeds;

6. “*plant products*”: products in the unprocessed state or having undergone only simple preparation such as milling, drying or pressing, derived from plants, but excluding

plants themselves as defined in point 5;

7. “*harmful organisms*”: pests of plants or plant products belonging to the animal or plant kingdom, and also viruses, bacteria and mycoplasmas and other pathogens;

8. “*product*”: the active substance as defined in point 3 or combination of active substances of a plant protection product;

9. “*basic patent*”: a patent which protects a product as defined in point 8 as such, a preparation as defined in point 4, a process to obtain a product or an application of a product, and which is designated by its holder for the purpose of the procedure for grant of a certificate;

10. “*certificate*”: the supplementary protection certificate.

Article 2.

Scope

Any product protected by a patent in the territory of a Member State and subject, prior to being placed on the market as a plant protection product, to an administrative authorization procedure as laid down in Article 4 of Directive 91/414/EEC⁽¹⁾, or pursuant to an equivalent provision of national law if it is a plant protection product in respect of which the application for authorization was lodged before Directive 91/414/EEC was implemented by the Member State concerned, may, under the terms and conditions provided for in this Regulation, be the subject of a certificate.

Article 3.

Conditions for Obtaining a Certificate

1. A certificate shall be granted if, in the Member State in which the application

(1) OJ L 230, 19.08.1991, p. 1. Directive as last amended by Directive 95/36/EC (OJ L 172, 22.07.1995, p. 8).

referred to in Article 7 is submitted at the date of that application:

- a. the product is protected by a basic patent in force;
- b. a valid authorization to place the product on the market as a plant protection product has been granted in accordance with Article 4 of Directive 91/414/EEC or an equivalent provision of national law;
- c. the product has not already been the subject of a certificate;
- d. the authorization referred to in (b) is the first authorization to place the product on the market as a plant protection product.

2. The holder of more than one patent for the same product shall not be granted more than one certificate for that product. However, where two or more applications concerning the same product and emanating from two or more holders of different patents are pending, one certificate for this product may be issued to each of these holders.

Article 4.

Subject Matter of Protection

Within the limits of the protection conferred by the basic patent, the protection conferred by a certificate shall extend only to the product covered by the authorization to place the corresponding plant protection product on the market and for any use of the product as a plant protection product that has been authorized before the expiry of the certificate.

Article 5.

Effects of the Certificate

Subject to Article 4, the certificate shall confer the same rights as conferred by the basic patent and shall be subject to the same limitations and the same obligations.

Article 6.

Entitlement to the Certificate

The certificate shall be granted to the holder of the basic patent or his successor in title.

Article 7.

Application for a Certificate

1. The application for a certificate shall be lodged within six months of the date on which the authorization referred to in Article 3 (1)(b) to place the product on the market as a plant protection was granted.

2. Notwithstanding paragraph 1, where the authorization to place the product on the market is granted before the basic patent is granted, the application for a certificate shall be lodged within six months of the date on which the patent is granted.

Article 8.

Content of the Application for a Certificate

1. The application for a certificate shall contain:

- a. a request for the grant of a certificate, stating in particular:
 - i) the name and address of the applicant;
 - ii) the name and address of the representative, if any;
 - iii) the number of the basic patent and the title of the invention;
 - iv) the number and date of the first authorization to place the product on the market, as referred to in Article 3 (1)(b) and, if this authorization is not the first authorization to place the product on the market in the Community, the number and date of that authorization;
- b. a copy of the authorization to place the product on the market, as referred to in Article 3 (1)(b), in which the product is

- identified, containing in particular the number and date of the authorization and the summary of the product characteristics listed in Part A.I (points 1-7) or B.I (points 1-7) of Annex II to Directive 91/414/EEC or in equivalent national laws of the Member State in which the application was lodged;
- c. if the authorization referred to in (b) is not the first authorization for placing the product on the market as a plant protection product in the Community, information regarding the identity of the product thus authorized and the legal provision under which the authorization procedure took place, together with a copy of the notice publishing the authorization in the appropriate official publication or, failing such a notice, any other document proving that the authorization has been issued, the date on which it was issued and the identity of the product authorized.

2. Member States may require a fee to be payable upon application for a certificate.

Article 9.

Lodging of an Application for a Certificate

1. The application for a certificate shall be lodged with the competent industrial property office of the Member State which granted the basic patent or on whose behalf it was granted and in which the authorization referred to in Article 3 (1)(b) to place the product on the market was obtained, unless the Member State designates another authority for the purpose.

2. Notification of the application for a certificate shall be published by the authority referred to in paragraph 1. The notification shall contain at least the following information:

- a. the name and address of the applicant;
- b. the number of the basic patent;
- c. the title of the invention;

- d. the number and date of the authorization to place the product on the market, referred to in Article 3 (1)(b), and the product identified in that authorization;
- e. where relevant, the number and date of the first authorization to place the product on the market in the Community.

Article 10.

Grant of the Certificate or Rejection of the Application

1. Where the application for a certificate and the product to which it relates meet the conditions laid down in this Regulation, the authority referred to in Article 9(1) shall grant the certificate.

2. The authority referred to in Article 9(1) shall, subject to paragraph 3, reject the application for a certificate if the application or the product to which it relates does not meet the conditions laid down in this Regulation.

3. Where the application for a certificate does not meet the conditions laid down in Article 8, the authority referred to in Article 9(1) shall ask the applicant to rectify the irregularity, or to settle the fee, within a stated time.

4. If the irregularity is not rectified or the fee is not settled under paragraph 3 within the stated time, the application shall be rejected.

5. Member States may provide that the authority referred to in Article 9(1) is to grant certificates without verifying that the conditions laid down in Article 3 (1)(c) and (d) are met.

Article 11.

Publication

1. Notification of the fact that a certificate has been granted shall be published by the authority referred to in Article 9(1). The notification shall contain at least the following information:

- a. the name and address of the holder of the certificate;
- b. the number of the basic patent;
- c. the title of the invention;
- d. the number and date of the authorization to place the product on the market referred to in Article 3 (1)(b) and the product identified in that authorization;
- e. where relevant, the number and date of the first authorization to place the product on the market in the Community;
- f. the duration of the certificate.

2. Notification of the fact that the application for a certificate has been rejected shall be published by the authority referred to in Article 9(1). The notification shall contain at least the information listed in Article 9(2).

Article 12.
Annual Fees

Member States may require the certificate to be subject to the payment of annual fees.

Article 13.
Duration of the Certificate

1. The certificate shall take effect at the end of the lawful term of the basic patent for a period equal to the period which elapsed between the date on which the application for a basic patent was lodged and the date of the first authorization to place the product on the market in the Community, reduced by a period of five years.

2. Notwithstanding paragraph 1, the duration of the certificate may not exceed five years from the date on which it takes effect.

3. For the purposes of calculating the duration of the certificate, account shall be taken of a provisional first marketing authorization only if it is directly followed by

a definitive authorization concerning the same product.

Article 14.
Expiry of the Certificate

The certificate shall lapse:

- a. at the end of the period provided for in Article 13;
- b. if the certificate-holder surrenders it;
- c. if the annual fee laid down in accordance with Article 12 is not paid in time;
- d. if and as long as the product covered by the certificate may no longer be placed on the market following the withdrawal of the appropriate authorization or authorizations to place it on the market in accordance with Article 4 of Directive 91/414/EEC or equivalent provisions of national law. The authority referred to in Article 9(1) may decide on the lapse of the certificate either on its own initiative or at the request of a third party.

Article 15.
Invalidity of the Certificate

1. The certificate shall be invalid if:

- a. it was granted contrary to the provisions of Article 3;
- b. the basic patent has lapsed before its lawful term expires;
- c. the basic patent is revoked or limited to the extent that the product for which the certificate was granted would no longer be protected by the claims of the basic patent or, after the basic patent has expired, grounds for revocation exist which would have justified such revocation or limitation.

2. Any person may submit an application or bring an action for a declaration of invalidity of the certificate before the body responsible under national law for the

revocation of the corresponding basic patent.

Article 16.

Notification of Lapse or Invalidity

If the certificate lapses in accordance with Article 14(b), (c) or (d) or is invalid in accordance with Article 15, notification thereof shall be published by the authority referred to in Article 9(1).

Article 17.

Appeals

1. The decisions of the authority referred to in Article 9(1) or of the body referred to in Article 15(2) taken under this Regulation shall be open to the same appeals as those provided for in national law against similar decisions taken in respect of national patents.

2. The decision to grant the certificate shall be open to an appeal aimed at rectifying the duration of the certificate where the date of the first authorization to place the product on the market in the Community, contained in the application for a certificate as provided in Article 8, is incorrect.

Article 18.

Procedure

1. In the absence of procedural provisions in this Regulation, the procedural provisions applicable under national law to the corresponding basic patent and, where appropriate, the procedural provisions applicable to the certificates referred to in Regulation (EEC) No. 1768/1992, shall apply to the certificate, unless national law lays down special procedural provisions for certificates as referred to in this Regulation.

2. Notwithstanding paragraph 1, the

procedure for opposition to the granting of a certificate shall be excluded.

TRANSITIONAL PROVISIONS

Article 19.

1. Any product which, on the date on which this Regulation enters into force, is protected by a valid basic patent and for which the first authorization to place it on the market as a plant protection product in the Community was obtained after 1 January 1985 under Article 4 of Directive 91/414/EEC or an equivalent national provision may be granted a certificate.

2. An application made under paragraph 1 for a certificate shall be submitted within six months of the date on which this Regulation enters into force.

Article 20.

In those Member States whose national law did not, on 1 January 1990, provide for the patentability of plant protection products, this Regulation shall apply from 2 January 1998.

Article 19 shall not apply in those Member State.

FINAL PROVISION

Article 21.

Entry into force

This Regulation shall enter into force six months after its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

MINISTERIAL DECISION NO. 30560/544

“Lodging of an application with the Industrial Property Organisation for the granting of a supplementary protection certificate for plant protection products”

THE MINISTERS OF THE NATIONAL
ECONOMY AND OF AGRICULTURE

Having taken into consideration:

1. The provisions:

- a. Of Article 2, para. 1 (g) and (h) of Law 1338/1983 “Implementation of Community law” (Government Gazette 34 A’), as that was amended by Article 6, para. 1 of Law 1440/1984 “participation of Greece in the capital, reserves and provisions of the European Investment Bank, in the capital of the European Coal and Steel Community and the EURATOM Supply Organisation” (Government Gazette 70 A’).
 - b. Of Article 1, para 2 of Law 1733/1987 “Transfer of technology, inventions, and technological innovation, and the setting up of an Atomic Energy Commission” (Government Gazette 171 A’).
2. Of Law 2077/1992 “Ratification of the treaty of the European Union ...” (Government Gazette 136 A’).
3. Of Regulation 1610/96/EC of the European Parliament and of the Council of 23 July 1996 (EU No. L198/30 of 8 August 1996).
4. Of Article 29 A’ of Law 1558/85 (A/37), as that was added by Article 27 of Law 2081/1992 (A’ 154) and replaced by Article 1, para. 2a of Law 2469/1997 (A’ 38).
5. The fact that no charge on the state budget is created by the provisions of the present decision, we have determined:

CHAPTER ONE

GENERAL PROVISIONS

Article 1.

Aim

The aim of the present decision is the

determination of the procedure for the granting of a supplementary certificate of protection for plant protection products as to which a patent has been granted and which, before their circulation on the market, are subject to an administrative procedure for the granting of a circulation permit.

Article 2.

Definitions

For the purposes of the implementation of this decision, the following shall be meant by:

- a. “Regulation 1610/96”: Regulation 1610/96 of the European Parliament and of the Council of the European Union of 23 July 1996 “in connection with the introduction of a supplementary certificate of protection for plant protection products” (EU No. L198/30 of 8 August 1996).
- b. “Directive 91/414/EEC”: Directive 91/414 EEC of the Council of 15 July 1991 “in connection with the marketing of plant protection products” (EU No. L230/1 of 19 August 1991), as that was amended by Directives 95/35/EC (EU No. L172/6 of 22 July 1995) and continues in force and has been incorporated into Greek law by Presidential Decree 115/1997 (Government Gazette 104 A, 30 May 1997) “on the approval, marketing and control of plant protection products in conformity with Directive 91/414 EEC of the Council, as that has been supplemented”.
- c. “O.B.I.”: the Industrial Property Organisation, which has its registered office in Athens (Article 1 of Law 1733/1987).
- d. “Law 1733/1987”: Law 1733/1987 “Transfer of technology, inventions, and technological innovation, and the setting up of

an Atomic Energy Commission” (Government Gazette 171 A’).

- e. “Plant protection products”: active substances and preparations within the meaning of Article 1, para. 1 of Regulation 1610/96.
- f. “Patent”: the patent granted by the IPO in accordance with Article 8 of Law 1733/87 (Government Gazette 171 A), or the European patent in force in Greece in accordance with Article 23 of Law 1733/87.
- g. “Certificate”: the supplementary certificate of protection which is granted for plant protection products on the terms of Article 3 of Regulation 1610/96.
- h. “Circulation permit”: the granting of approval for the circulation of a plant protection product in the market in accordance with Article 4 of Presidential Decree 115/97 (Government Gazette A’ 104), or in accordance with a corresponding provision of national law in the case of a plant protection product the application for approval of which was lodged before the commencement of implementation of Directive 91/414 in the member-states.

CHAPTER TWO

PERSONS ENTITLED - PROCEDURE FOR LODGING

Article 3.

Right of acquisition of a certificate

A right to protection shall be possessed by the holder of a patent and his general or special successors in title in accordance with the terms of Article 3 of Regulation 1610/96.

Article 4.

Competent authority

The competent authority for the lodging

of the application and the granting of the certificate shall be the Industrial Property Organisation (O.B.I.).

Article 5.

Lodging of an application

1. For the granting of a certificate, the lodging of an application with the O.B.I. in accordance with Article 7 of Regulation 1610/96 shall be required.

2. The application shall be submitted in two copies and shall contain the particulars of Article 8 of Regulation 1610/96.

3. To the application shall be annexed, in addition to the particulars of paragraph 2 of this article, the documents legitimating the person lodging them in the case of a legal person and the receipt for the collection by the O.B.I. of the duty for the lodging of an application for the granting of a certificate.

4. If the terms of the paragraph 2 above of the article are fulfilled, the application shall be accepted for lodging. In this event, the application shall be deemed to be regular, it shall be given a lodging date, and shall be entered in the Reports Register of the O.B.I.

5. As to the lodging and drafting of documents before the O.B.I., Articles 2, 3, 4 and 9 of Ministerial Decision 15928/EFA (Government Gazette 778 B’) and 19 of Presidential Decree 77/88 (Government Gazette 33 A’) shall be implemented.

Article 6.

Additional information

1. Within four months from regular lodging and after written notice from the O.B.I., the applicant must submit to the O.B.I. any missing information and supporting documents in accordance with Article 5, paragraphs 2 and 3 of the present decision. In this event, the application shall be deemed complete.

2. If after the elapse of the time-limit of

paragraph 1 above of this article, the O.B.I. establishes that the data of the application have not been completed, the application shall be rejected.

CHAPTER THREE

CERTIFICATE - PUBLICATION

Article 7.

Granting of a certificate

1. If the application is complete and regular in accordance with Articles 5 and 6 of this decision and if the product which it concerns fulfils the terms of Regulation 1610/96, the O.B.I. shall grant the certificate without a prior check on the terms of Article 3, para. 1, items (c) and (d) of Regulation 1610/96, on the responsibility of the applicant.

2. After the granting of the certificate, third parties may seek information and copies of the application and of the additional information which concerns the product protected.

Article 8.

Publication

1. The publication stipulated in Article 11 of Regulation 1610/96 shall be in the Special Industrial Property Bulletin.

2. The publication of the certificate shall also mandatorily state, apart from the data of Article 11, para. 1 of Regulation 1610/96, the term of force of the certificate.

3. In the event of the application being rejected by the O.B.I. in accordance with Article 6, para. 2 of the present Ministerial Decision, the act of rejection and the particulars of Article 9, para. 2 of Regulation 1610/96 shall be published in the Industrial Property Bulletin.

CHAPTER FOUR

RIGHTS FROM THE CERTIFICATE - DUTIES

Article 9.

Content of right

The certificate shall give its holder, being a natural or legal person, the exclusive rights of Article 10 of Law 1733/87, which shall be implemented *mutatis mutandis*.

Article 10.

Charges

1. For the lodging of an application for the granting of a certificate, lodging duties shall be paid to the O.B.I.

2. For the granting of protection, the holder of the certificate shall be obliged to make prepayment of annual duties to the O.B.I., in *mutatis mutandis* implementation of Article 24 of Law 1733/87.

3. The level of the lodging duty and of the annual protection duties shall be determined by a decision of the Administrative Council of the O.B.I.

4. Failure to make punctual payment of the annual protection duties shall entail forfeiture of the rights which stem from the certificate, in *mutatis mutandis* implementation of Article 16 of Law 1733/87.

CHAPTER FIVE

FINAL PROVISIONS

Article 11.

Commencement of force

This decision shall come into force on its publication in the Government Gazette.

This decision is to be published in the Government Gazette.

PRESIDENTIAL DECREE No. 259/1997

“Implementing Provisions of the Hague Agreement Concerning the International Deposit of Industrial Designs as ratified with law No. 2417/1996 and Provisions Concerning the National Title of Protection”.

THE PRESIDENT
OF THE HELLENIC REPUBLIC

Having regard to:

1. Article 4 of Law No. 2417/1996 on the Ratification of the Hague Agreement Concerning the International Deposit of Industrial Designs of November 6, 1925, as revised in the Hague on November 28, 1960, and the Complementary Act of Stockholm of July 14, 1967, as amended on September 28, 1979 (Official Journal No. 139, A’).

2. Article 29A of Law No. 1558/1996 on Government and Governmental Bodies (Official Journal No. 137, A’), as added with Article 27 of Law No. 2081/1992 (Official

Journal No. 154, A’) and amended with Article 1.2a of Law No. 2469/1997,

3. The fact that the provision of the present Presidential Decree do not produce any debit against the budget of the State,

4. The proposal by the Administrative Council of the Industrial Property Organization of December 12, 1996 (Item No. 4 of the 18th Meeting),

5. The opinion No. 301/1997 of June 26, 1997 of the Council of State following the proposal by the Minister of Development,

HAS DECIDED AS FOLLOWS:

PART ONE

GENERAL PROVISIONS

Article 1.

Scope of application

This Presidential Decree shall apply to international deposits of industrial designs or models having effect to the Hellenic territory and to national deposits for the protection of designs of models.

Article 2.

Definitions

1. For the purposes of national legislation:

a. “design or model” means the outward

visible appearance of the whole or part of a product resulting from the specific features of, in particular, the lines, contours, colours, shape, form and/or materials of the product itself and/or its ornamentation (Art. 3.1a of Law No. 2417/1996);

b. “product” means any industrial or handicraft product, including parts intended to be assembled into a complex product, packaging, getup, graphic symbols and typographic typefaces, but excluding computer programs (Art. 3.1.b of Law No. 2417/1996);

2. For the purposes of the present

Presidential Decree:

- a. "O.B.I." means the Athens-seated Industrial Property Organization (Art. 1 of Law No. 1733/1987);
- b. "WIPO" means the World Intellectual Property Organization as defined in Article 2 of the Patent Cooperation Treaty as ratified by Greece with Law No. 1883/1990 (Official Journal No. 45, A');
- c. "Agreement" means the Hague Agreement Concerning the International Deposit of Industrial Designs as ratified by Greece with Law No. 2417/1996 (Official Journal No. 139, A') (Art. 2 of the Agreement as ratified with Article 1 of Law No. 2417/1996);
- d. "International Bureau" means the Bureau of the International Union for the Protection of Industrial Property located in Geneva (Art. 2 of the Agreement as ratified with Article 1 of Law No. 2417/1996);
- e. "international deposit of industrial designs and models" means a deposit made according to the provisions of the Hague Agreement (Art. 2 of the Agreement as ratified with Article 1 of Law No. 2417/1996);
- f. "national deposit of designs and models" means a deposit made at O.B.I. for the grant of a national title of protection (Art. 2 of the Agreement as ratified with Article 1 of Law No. 2417/1996);
- g. "certified translation" means a translation made by a person or an authority entitled to certify translations;
- h. "multiple deposit" means a deposit that includes more than one design or model;
- i. "Ministerial Decision No. 15928/EFA/1253" means the Ministerial Decision of December 24, 1987 concerning the Filing of an Application for the Grant of a Patent or a Utility Model Certificate at O.B.I. and Keeping of Record Books (Official Journal No. 778, B');
- j. "priority claim" means a right of priority from a previous application, as provided in Article 4 of the Paris Convention of 1883 for the protection of Industrial Property, as ratified with Article 1 of Law No. 213/1975 (Official Journal No. 258, A').

PART TWO

IMPLEMENTATION OF THE HAGUE AGREEMENT AS RATIFIED WITH LAW NO. 2417/1996 INTERNATIONAL APPLICATION - PROTECTION

Article 3.

Filing of the application

1. International applications may be filed either directly at the International Bureau in Geneva or through O.B.I. in its premises in Athens or in its branches, if any (Art. 4 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

2. An international application may be filed through the intermediary of O.B.I., when the application originates from Greece.

3. An application shall be deemed to originate from Greece when the applicant has either a real and effective industrial or commercial establishment in the Hellenic territory or is a resident or national of Greece.

Article 4.

Language of the Application

An international application shall be in

the French or in the English language.

Article 5.

Documents of the Application

1. An international application shall be filed in two copies and shall contain the mandatory elements prescribed in Article 5 of the Agreement. It shall be signed by the depositor or his representative (Art. 5 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

2. An international application may contain the optional elements referred to in Article 5.3 and 5.4 of the Agreement.

3. All contents of an international application shall be completed on the form provided by the International Bureau according to the accompanying written instructions.

Article 6.

Receipt of an International Application

1. O.B.I. shall receive the application to be deemed as an international one and shall immediately issue a receipt containing the number and the accompanying documents or elements and the date of their receipt.

2. O.B.I. shall transmit by facsimile to the International Bureau the documents of an international application on the same day. The remaining accompanying elements as well as the original documents of the international application shall be mailed promptly by O.B.I. to the International Bureau.

Article 7.

Date of Registration of an International Deposit

The registration of the International Deposit shall be made by the International Bureau. The date on which the International

Bureau received the international application in due form and the relevant payable fees, shall be deemed as the date of registration (Art. 6.2 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

Article 8.

Payment of Fees

The fees prescribed for an international deposit or for its renewal shall be payable directly to the International Bureau in Swiss francs (Arts. 15 and 16 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

Article 9.

Legal Effect of an International Registered Deposit

1. An international deposit registered in the International Design Register to which Greece is designated, shall have the same effect with a national deposit in respect of which all administrative acts have been complied with. Such an international deposit shall be protected according to the provisions on the registered national deposits of designs or models (Art. 7 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

2. Any international deposit originating from Greece shall have full effect in the Hellenic territory (Art. 7 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

3. The publication by the International Bureau of the registered international deposits in the International Design Bulletin and the related acts thereof, shall have the same effect with their publication in the Industrial Property Bulletin (EDBI) published by O.B.I.

4. As of the date of publication of the monthly International Design Bulletin, the contents thereof shall be open to inspection by the public in the premises of O.B.I.

Article 10.
Duration of Protection

1. The term of protection of a registered international deposit of a design or model designating Greece shall be five years, which may be renewed subject to Article 29 of the present Presidential Decree (Art. 11 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

2. The above mentioned protection shall commence on the date of the international deposit as defined in Article 6 of the Agreement (Art. 6 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

Article 11.
Termination of Protection in Greece

The protection in Greece of an international registered design or model shall terminate following an irrevocable decision as provided in Article 16 of the present Presidential Decree. This decision shall be communicated by O.B.I. to the International Bureau which shall publish it in the International Design Bulletin and shall register it in the International Register.

PART THREE

NATIONAL TITLE OF PROTECTION

CHAPTER ONE

NATIONAL PROTECTION - INVALIDITY

Article 12.
Requirements for Protection

1. A design or model as defined in Article 2.1a of the present Presidential Decree, shall be protected to the extent that it is new and has an individual character.

2. The protection of a design or model shall commence on the date of its registration.

3. A design or model shall be considered to be new if no identical design or model has been made available to the public before the date of filing of the application for registration, or, if priority is claimed, the date of priority. Designs or models shall be deemed to be identical if their features differ only in immaterial details.

4. A design or model shall be considered

to have an individual character if the overall impression it produces on the informed user differs from the overall impression produced on such a user by any design or model which has been made available to the public before the date of filing of the application for registration, or, if priority is claimed, the date of priority.

5. In assessing the individual character the degree of freedom of the designer in developing the design or the model in relation to the technical requirements shall be taken into consideration.

6. A design or model of a product constituting a component part of a complex product shall only be considered to be new and to have individual character:

- a. if the component part, when incorporated into the complex product, remains visible during normal use of the product, and
- b. to the extent that these visible features of the component part fulfil in themselves the requirements as to novelty and individual character.

7. "Normal use" within the meaning of the above mentioned paragraph 6, shall mean any use other than maintenance, repair, or other similar services.

Article 13.

Disclosure

1. For the purpose of applying Article 12.3 and 12.4 of the present Presidential Decree, a design or model shall be deemed to have been made available to the public, if it has been published following registration or otherwise exhibited, used in trade or otherwise disclosed, except where these events could not reasonably have become known in the normal course of business to the circles specialized in the sector concerned, operating within the Community, before the date of filing of the application for registration at O.B.I., or, if priority is claimed, the date of priority.

2. A design or model shall not, however, be deemed to have been made available to the public for the sole reason that it has been disclosed to a third person under explicit or implicit conditions of confidentiality.

Article 14.

Non-prejudicial Disclosures

1. The novelty of a design or model shall not be affected in accordance with Article 12.3 of the present Presidential Decree, if the design or the model has been made available to the public during the 12-month period prior to the date of filing the application for registration, or, if priority is claimed, the date of priority for one of the following reasons:

a. the design or the model has been made available to the public by the designer, his successor in title, or a third person as a result of information provided or action taken by the designer, or his successor in title.

b. if the disclosure is a result of an abusive behavior towards the designer or his successor in title, unless this behavior has resulted to the registration of the design or the model.

2. The novelty of a design or model shall not be affected in case of display of the design or the model at an officially recognized international exhibition falling within the terms of the Convention on International Exhibitions signed at Paris on November 22, 1928 and ratified with Law No. 5562/1932 (Official Journal 221, A'). In such case, the disclosure to the public shall not exceed the period of 6 months prior to the date of filing at O.B.I. and the depositor shall submit any evidence of the products so displayed to which the design or the model has been incorporated or applied subject to the requirements of the present Presidential Decree.

Article 15.

Exceptions to Protection

1. A design or model right shall not subsist, if:

- a. a design or model is contrary to public policy or to accepted principles of morality.
- b. the features of appearance of a product are solely dictated by its technical function.
- c. the features of appearance of a product must necessarily be reproduced in their exact form and dimensions in order to permit the product in which the design or model is incorporated or to which it is applied to be mechanically connected to or placed in, around, or against another product so that either product may perform its function.

2. Notwithstanding paragraph 1b and 1c above, a design or model shall be granted protection when, under the conditions set

out in Article 12, this design or model makes possible the multiple assembly or connection of mutually interchangeable products within a modular system.

Article 16.
Invalidity

1. A registered design or a registered model shall be declared invalid by means of a court's decision, if:

- a. the holder of the registered design or the model is neither its designer, nor its successor, nor its owner under Article 17 of the present Presidential Decree.
- b. the protected design or model does not fulfil the requirements of Articles 12 and 13 of the present Presidential Decree.
- c. the features of the product's appearance or the features of its interconnection shall not be protected in accordance with Article 15.1b and 15.1c of the present Presidential Decree.
- d. its exploitation or its publication is contrary to public policy or to accepted principles of morality.

2. For any additional matter, the provisions of paragraphs 2 and 3 of Article 15 of law No. 1733/1987 shall apply accordingly.

3. A design right may be declared invalid even after it has lapsed or has been surrendered.

4. A registered design or a registered model, which shall be declared invalid, is deemed to have brought a priori none of the effects provided for in the present Presidential Decree. The retroactive result of the invalidation shall not affect the decisions on infringement which have acquired the force of res judicata and have been executed prior to the date of issue of the decision on invalidation nor the contracts entered before the decision on invalidation, provided that they have been executed before the issue thereof.

CHAPTER TWO

**ENTITLEMENT TO A DESIGN OR MODEL -
TRANSFER**

Article 17.
Entitlement to Protection

1. The right to register a design or model shall vest in the designer or his successor in title. The person who files the application for the registration of a design or model is deemed to be its owner, without prejudice to the provisions of Article 18 of the present Presidential Decree.

2. If two or more persons have created a design or model under a common creative effort, provided that no different agreement has been concluded, the right to the design or the model shall vest in them jointly and in equal parts. Each co-owner is entitled to transfer freely his share and supervise the protection of the common registered design or model.

3. If the design or the model has been created by an employee, paragraphs 4, 5, 6, and 7 of Article 6 of Law 1733/1987 (Official Journal No. 171, A') shall apply accordingly.

4. If two or more persons have created substantially similar designs or models independently the one from the other, the right shall vest to the person who first filed the application for registration of a design or model or to the one who has a priority right over the rest pursuant to Article 22 of the present Presidential Decree.

Article 18.
Claims

1. The holder of a design or model may, if a third party has filed an application for the registration of a design or model which relates to his design or model or substantial elements thereof without his consent, demand by action against the third party the recognition on his behalf of the rights conferred by the application or, in case a

certificate for registration has been issued, its transfer. The co-owner of a registered design or model may demand the recognition of his right.

2. The action taken by the holder or the coholder shall be brought within a period of two years from the publication date of the registration of the design or the model in the Industrial Property Bulletin (EDBI). For any additional matter, paragraphs 10 and 11 of Article 6 of Law No. 1733/1987 shall apply accordingly.

Article 19.

Transfer of Rights and Licensing

1. The right to the registration of a design or model and the registered design or model may be transferred upon written agreement or inherited. The transfer shall be effected upon registration of the agreement or of the certificate of inheritance in the Design and Model Register and shall be published in the EDBI.

2. The holder of a registered design or model may licence his design or model to third parties upon written agreement. This licence shall be registered in the Design and Model Register and shall be published in the EDBI.

3. For any additional matter, the provisions of Article 12.1, .2, .3, .4, .5, and .6 of law No. 1733/1987 shall apply accordingly as well as the conditions and procedure provided in Article 2.10g and Article 24 of Law No. 1733/1987 (Official Journal No. 171, A').

CHAPTER THREE

REGISTRATION PROCEDURE - CERTIFICATE - BOOKS

Article 20.

Filing of Application - Conditions for Admissibility

1. The filing of an application at O.B.I. is

required for the registration of a design or model.

2. An application shall contain:

- a. A request for the registration of the design or the model in the Design and Model Register.
- b. The full or trade name, the nationality, the residence or seat, in case of a legal entity and the address of the depositor.
- c. The name of a representative in case that the depositor does not have a residence or seat in Greece and a statement of the depositor submitting to the jurisdiction of the Hellenic courts.
- d. The designation of the article or articles in which it is intended to incorporate the design or the model.
- e. A graphic representation or photograph of the design or the model suitable for reproduction pursuant to Article 21 of the present Presidential Decree.

3. The application may also include:

- a. A list of the products in which the design or the model is intended to be incorporated or to be applied.
- b. The classification of the products referred to in the above paragraph (a) into classes and subclasses according to the Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968 as implemented.
- c. If the applicant is not the designer or the sole designer, a statement as to the origin of the right to the design or the model.
- d. A request for priority from an earlier deposit pursuant to Article 22 of the present Presidential Decree and a declaration of the date of the earlier deposit and of the State in which the earlier deposit was effected.
- e. A brief description, not exceeding 100 words, of characteristic features of the design or the model, including any colours; said description shall indicate the features characterizing the design or the model in accordance with its filed

representation and shall not refer to technical particulars related to the operation of the article incorporating the design or the model, nor to its possible uses and nor to the manufacturing material.

- f. A request for publication in colour.
- g. A request for deferment of publication of the application for the registration of the design or the model as provided for in Article 23 of the present Presidential Decree, which may not exceed twelve months from the date of the deposit.
- h. An indication that the design or the model has been shown at an officially recognized exhibition accompanied by a certificate stating the date on which the exhibition was held.

4. In case of deferment of the publication of the application for the registration of a design or model at O.B.I. according to paragraph 3g above, the applicant may attach to its application a sample of the product to which the design or the model contained in the representation has been incorporated or applied. The sample shall be deposited in a sealed packet of 30x30 cm maximum in dimensions and not exceeding 4 kg in weight. The same graphic representation to the one accompanying the application shall be adhered to the packet's top side.

5. Several designs or models may be included in a single application which is characterized as multiple application, provided that the designs or models shall not exceed a total of 50 and that the products in which they shall be incorporated in or applied, all belong to the same subclass or to the same set or composition of items. In this case, the applicant shall pay to O.B.I. an additional registration fee and an additional publication fee according to the conditions and procedure provided in Article 2.10g and Article 24 of Law No. 1733/1987 (Official Journal 171, A'), which correspond to a percentage of the basic registration fee

for each additional design or model. Where the multiple application contains a request for deferment of publication, an additional fee for deferment of publication shall be paid.

6. The receipts of payment of the filing and registration fee for the design or the model as well as of the fee for the first five-year period of protection payable according to the conditions and procedure provided in Article 2.10g and Article 24 of Law No. 1733/1987 (Official Journal 171, A') shall be attached to the application.

7. The application shall be admitted for filing provided that the terms of the above paragraphs 2 and 6 of the very article of the present Presidential Decree are complied. The filing of the application is then deemed to be regular but not complete.

8. Within a period of four months from the filing date, the applicant shall complete any deficiencies or correct any errors in the drafting of the documents and of the rest of the papers in accordance with the above paragraphs 3, 4, and 5 of this article and shall pay the publication fee or the fee for deferment of publication. The filing of the application shall be then deemed to be complete.

9. If the application is not complete within the prescribed period, O.B.I. shall refuse to register the application by a justified decision.

10. The date of regular filing of the application pursuant to paragraph 7 shall be deemed as the date of registration of the application.

Article 21.

Form of the Application

1. The application shall be filed in two copies and shall be signed by the depositor or his representative. Article 2, 3, and 4 of the Ministerial Decision No. 15298/EFA/1253 shall be applicable accordingly.

2. The presentation of the application's

documents and designs shall follow the specifications of Article 8 paragraphs 1, 2, and 3a, b, c, d, e, f, g and of Article 9 of the Ministerial Decision No. 15298/EFA/1253. Two black-and-white photographs or graphic representations of the deposited design or model shall be attached to the application. In case that the depositor requests a publication in colour of the design or the model, these photographs or graphic representations shall be in colour.

3. The photographs and other graphic representations shall represent clearly the deposited article alone without shadows to the exclusion of any other object, person, or animal. The deposited article must be represented at least once in the position in which it is normally used.

4. The following shall not be admitted upon filing:

- a. instantly developed photographs,
- b. words or texts or characterizations or trade names or trademarks written on the object or on the picture or on the graphic representation,
- c. photocopies of photographs or graphic representations,
- d. photographs or graphic representations not suitable for offset reproduction,
- e. photographs of dimensions larger than 16 x 16 cm.

Article 22. Priority

1. If an application for a design or model has been duly filed in a State member of the International Union for the Protection of Industrial Property, the depositor or the owner of the application shall enjoy for the purpose of filing an application in respect of the same design, a right of priority of six months from the date of filing of the first application. The priority right shall date back to the period of the first deposit.

2. A right of priority for the deposit of a design or model shall also exist from an

earlier national deposit of a utility model and vice versa if the application is filed within 6 months claiming protection for the same object and a declaration of priority shall be filed at O.B.I. containing the elements of paragraphs 3a below.

3. Within 10 months from the first duly filed application abroad, the following shall be filed at O.B.I.:

- a. a certificate of the competent authority of the State of the first duly filed application stating the number and the filing date of the application together with an official copy of the design or the model, and
- b. a certified translation of the above mentioned certificate in Greek to which a copy of the design or the model shall be attached.

4. In case of priority claims on the basis of several foreign titles of protection, the date of the first foreign application shall be considered as the priority date.

Article 23. Deferment of Publication

1. When filing an application for registration of a design or model at O.B.I., a depositor may request that the data referred to in Article 20.2e, .3e, and f and paragraph 4 of the present Presidential Decree shall not be published. In such case, following the payment of a fee for the deferment of publication according to the conditions and procedure provided in Article 2.10g and Article 24 of Law No. 1733/1987 (Official Journal 171, A'), O.B.I. shall classify them as NOT PUBLISHABLE and shall keep them in a separate folder. These data shall not be disclosed nor made accessible to the public before the expiration of the relevant period referred to in Article 20.3f of the present Presidential Decree.

2. Following a court's decision, the deferred data shall be made available to persons participating in a trial regarding the

validity, the infringement or the claim of exclusive rights resulting from the protected design or model.

Article 24.

Certificate of Registration - Publication

1. Four months after the filing date of the application and provided that the application for registration is regular and complete, O.B.I. shall issue a certificate of registration of the design or the model without previously examining whether the terms provided in Articles 12, 13, 14 and 15 of the present Presidential Decree are met at the responsibility of the applicant.

2. Without prejudice to Article 23, the registered application for a design or model together with the documents attached thereto shall be published 4 months following the registration date. If a sample of the product in which a design or model is incorporated or to which it is applied has been filed pursuant to Article 20.4 of the present Presidential Decree, O.B.I. shall mention it in the publication under a separate mention. For the purposes of publication, a publication fee shall be paid to O.B.I. according to the conditions and procedure provided in Article 2.10g and Article 24 of Law No. 1733/1987 (Official Journal 171, A').

3. As of the publication date of the application or the expiration thereof or interruption of the time of the deferred publication, third parties shall be entitled to request information and copies of the application, the description, the designs, or the models and of any other related element.

4. Elements of the registered application shall be published in the Industrial Property Bulletin.

5. Any publication in the Industrial Property Bulletin shall be made in a separate issue titled Designs and Models. This issue shall contain elements related to the grant of certificates of registration of designs and models, to any transfer, renunciation and

licensing, to the expiration date of the granted protection or to the invalidation of a registered design or model.

Article 25.

Books - Registers - Archives

1. O.B.I. shall keep a Register of designs and models which shall contain all registered designs or models, an archive of designs and models containing all respective folders and a book of reports for the registration of all applications for the registration of designs and models.

2. For the purposes of keeping of the data in the above registers, archives, and books, Article 4.2, .3, and .4 of Law No. 1733/1987 and Articles 10, 11, and 12 of the Ministerial Decision No. 15928/EFA/1253 shall apply accordingly.

CHAPTER FOUR

RIGHTS CONFERRED WITH THE DESIGN OR THE MODEL

Article 26.

Content of the Right

1. The registration of a design or model shall confer on its holder the exclusive right to use it and to prevent any third party not having his consent from using it.

2. The aforementioned use shall cover, in particular, the making, offering, putting on the market, importing exporting or using of a product in which the design is incorporated or to which it is applied, or stocking such a product for those purposes.

3. The rights conferred with a design or model upon registration shall not extend to:

- a. acts done privately and for non-commercial purposes;
- b. acts done for experimental or research purposes;
- c. acts of reproduction of a design or model for the purposes of making citations or of

teaching, provided that such acts are compatible with fair trade practice and do not unduly prejudice the normal exploitation of the design, and that mention is made of the source.

- d. the equipment on ships and aircraft registered in another country when these temporarily enter the Hellenic territory;
- e. the importation in Greece of spare parts and accessories for the purpose of repairing such ships or aircraft.
- f. the execution of repairs on such ships or aircraft.

4. By deviation to paragraph 1 above, the rights conferred by the registration of a design or model shall be exercised by third parties who, five years after the first putting on the market of the product to which the design or the model is applied and following the payment of a fair and reasonable remuneration to the owner as agreed by the parties or in case of dispute, as decided by the competent Court provided in the present Presidential Decree, may use it on the following terms:

- a. the product in which the design or the model is incorporated is a spare part of a mechanically operated vehicle, and
- b. said use is intended to allow the repair of a mechanically operated vehicle, and
- c. the public shall be informed of the origin of the product used for the repair under a permanent indication, such as the affixation of a commercial trademark or trade name or by any other suitable means.

5. Whoever uses a design or model or has made the necessary preparations for its use during the period of registration of an application for a design or model by a third party or during the priority date, shall be entitled to continue its use for his business and its necessities. This right may be transferred only with the business.

6. A registered design or model may be

given as security or be the subject of rights in rem or of a confiscation.

Article 27.

Scope of Protection

1. The protection conferred by a design or model right shall include any design or model which produces on the informed user a similar impression.

2. In assessing the scope of protection, the degree of freedom of the designer in developing the design or the model in relation to the technical requirements, shall be taken into consideration.

Article 28.

Judicial Protection - Actions

1. In case of infringement, present or potential, of a registered design or model, the holder thereof is entitled to demand the cessation of the infringement and its omission in the future.

2. The provisions of paragraphs 2, 3, 4, 5, 6, and 7 of Article 17 of Law No. 1733/1987 shall apply accordingly.

Article 29

Term of Protection of a Registered Design or a Model

1. The term of protection of a registered design or model shall be five years from the date of filing the application at O.B.I. The term of protection may be renewed for periods of five years each up to a total term of 25 years from the date of filing of the application for the registration of the design or the model.

2. The request for renewal shall be submitted by the holder of a registered design or model or his representative and shall be accompanied by a receipt of payment of the renewal fee at O.B.I. which is payable according to the conditions and procedure provided in Article 2.10g and

Article 24 of Law No. 1733/1987 (Official Journal 171, A'). The renewal fee shall be paid in advance within the six month period before the last day of the month in which protection ends.

3. Upon expiration of the period prescribed in paragraph 2 and within a period of six months thereafter, the holder of a registered design or model or his representative may pay the fees due with a 50% surcharge. Failing this, the protection for the registered design or model provided by the present Presidential Decree shall terminate.

4. The renewal shall take effect from the date following the date on which the existing registration expires.

5. The renewal shall be recorded in the Design and Model Register.

CAPTER FIVE

FINAL AND TRANSITIONAL PROVISIONS

Article 30.

A design or model registered in

accordance with the provisions of the present Presidential Decree shall also be eligible for protection under the existing copyright law in Greece as from the date on which it was created or fixed in any form.

Article 31.

The present Presidential Decree shall enter into force as of the date of its publication in the Official Journal of the Hellenic Government. In the case of international designs or models deposited under the Hague Agreement the present Presidential Decree shall enter into force as of the date when the Hague Agreement entered into force in Greece, i.e. as of April 18, 1997.

The present Presidential Decree shall be published in the Official Journal of the Government.

The publication and execution of the present Presidential Decree shall be assigned to the Minister of Development.

JOINT MINISTERIAL DECISION NO. 14905/EFA/3058

“Lodging of an application with the O.B.I. for the granting of a supplementary certificate for protection for pharmaceuticals”.

THE MINISTERS OF THE NATIONAL
ECONOMY, OF DEVELOPMENT,
AND OF HEALTH AND WELFARE

The minute of 22 October 1997 of the
Administrative Council of the O.B.I.
We have determined

Having taken into consideration:

1. The provisions:
 - a. Of Article 2, para. 1 (h) and (j) of Law 1338/1983 “Implementation of Community law” (Government Gazette 34 A’) as this was amended by Article 6, para. 1 of Law 1440/1984 “Participation of Greece in the capital, reserves, and provisions of the European Investment Bank, and in the capital of the European Coal and Steel Community and the EURATOM Supply Organisation” (Government Gazette 70 A’).
 - b. Of Article 1, para. 2 of Law 1733/1987 “Transfer of technology, inventions, and technological innovation, and setting up of an Atomic Energy Commission” (Government Gazette 171 A’).
 - c. Of Articles 11 and 12 of Presidential Decree 77/88 “Provisions on the implementation of the Convention on the granting of European patents”, which was ratified by Law 1607/1987 (Government Gazette 33/A’/25-2-1988).

Of Law 2077/1992 “Ratification of the Treaty on the European Union ...” (Government Gazette A’ 136).

Regulation (EEC) 1768/92 of the Council of June 1992 (EU No. L 182/1 of 2 July 1992).

Article 29 A’ of Law 1558/85 (A’/37) as that was added by Article 27 of Law 2081/1992 (A’ 154) and replaced by Article 1, para. 2a of Law 2469/1997 (A’ 38).

The fact that no charge on the state budget is created by the provisions of the present decision.

CHAPTER ONE

GENERAL PROVISIONS

Article 1.

Aim

The aim of the present decision is the determination of the procedure for the granting of a supplementary certificate of protection for pharmaceuticals for which a patent has been granted and which, before their circulation in the market, are subject to an administrative procedure for the granting of a circulation permit in accordance with Directives 65/65/EEC or 81/851 EEC, as the case may be.

Article 2.

Definitions

For the purposes of the implementation of this decision, the following shall be meant by:

- a. “Regulation (EEC) 1768/92”: Regulation (EEC) 1768/92 of the Council of the European Union of 18 June 1992 ‘in connection with the introduction of a supplementary certificate of protection for pharmaceuticals’ (EU No. L 182/1 of 2 July 1992).
- b. “Directive 65/65/EEC”: Directive 65/65/EEC of the Council of 26 January

- “concerning convergence of legislative, regulatory, and administrative provisions in connection with proprietary pharmaceuticals” (EU No. 22 of 9 February 1965), as that was later amended and continues in force, including Ministerial Decisions Nos 3221/95 (Government Gazette 782 B’, 13 December 1995) and 9392 (Government Gazette 233 B’, 7 April 1992) on its implementation in Greece.
- c. Directive 81/851/EEC of 28 September 1981 “concerning convergence of legislations of the member-states in connection with veterinary pharmaceutical products” (EU No. L 317 of 6 November 1981), as that was later amended and continues in force, including Ministerial Decision No. 378812/92 (Government Gazette 491 B’, 30 July 1992) on its implementation in Greece.
- d. “O.B.I.”: the Industrial Property Organisation, which has its registered office in Athens (Article 1 of Law 1733/1987).
- e. “Law 1733/1987”: Law 1733/1987 “Transfer of technology, inventions, and technological innovation, and setting up of an Atomic Energy Commission” (Government Gazette 171 A’), as that continues in force.
- f. “Pharmaceutical”: any substance or compound which is prepared as having therapeutic or preventive properties within the meaning of Article 1, para 1 of Regulation (EEC) 1768/92.
- g. “Patent”: the patent granted by the O.B.I. in accordance with Article 8 of Law 1733/87 (Government Gazette 171 A’), or the European patent with force in Greece in accordance with Article 23 of Law 1733/87.
- h. “Certificate”: the supplementary certificate of protection which is granted for pharmaceuticals on the terms of Article 3 of Regulation (EEC) 1768/92.
- i. “Circulation permit”: the granting of approval of a pharmaceutical in the

market in accordance with Directives 65/65/EEC (EU No. L 22 of 9 December 1965), or 81/851/EEC (EU No. 2317 of 6 November 1981), which have been incorporated into the national legislation by Joint Ministerial Decision 16/10399/13-12/31.12.1985 (B798) and Joint Ministerial Decision 300518/2-11/9.11.1984 (B800), respectively, and continue in force in amended form.

CHAPTER TWO

PERSONS ENTITLED - PROCEDURE FOR LODGING

Article 3.

Right of acquisition of a certificate

A right to protection shall be possessed by the holder of a patent and his general or special successors in title in accordance with the terms of Article 3 of Regulation (EEC) 1768/92.

Article 4.

Competent authority

The competent authority for the lodging of the application and the granting of the certificate shall be the Industrial Property Organisation (O.B.I.).

Article 5.

Lodging of an application

For the granting of a certificate, the lodging of an application with the O.B.I. in accordance with Article 7 of Regulation (EEC) 1768/92 shall be required.

The application shall be submitted in two copies and shall contain the particulars cited in Article 8 of Regulation (EEC) 1768/92.

To the application shall be annexed, in

addition to the particulars of paragraph 2 of this article, the documents legitimating the person lodging them in the case of a legal person and the receipt for the collection by the O.B.I. of the duty for the lodging of an application for the granting of a certificate.

If the terms of the paragraph 2 above of the article are fulfilled, the application shall be accepted for lodging. In this event, the application shall be deemed to be regular, it shall be given a lodging date, and shall be entered in the Reports Register of the O.B.I.

As to the lodging and drafting of documents before the O.B.I., Articles 2, 3, 4 and 9 of Ministerial Decision 15928/EFA/1253 (Government Gazette 778 B') and 19 of Presidential Decree 77/88 (Government Gazette 33 A') shall be implemented.

Article 6.

Additional information

Within four months from regular lodging and after written notice from the O.B.I., the applicant must submit to the O.B.I. any missing information and supporting documents in accordance with Article 5, paragraphs 2 and 3 of the present decision. In this event, the application shall be deemed complete.

If after the elapse of the time-limit of paragraph 1 above of this article, the O.B.I. establishes that the data of the application have not been completed, the application shall be rejected.

CHAPTER THREE

CERTIFICATE - PUBLICATION

Article 7.

Granting of a certificate

If the application is complete and regular

in accordance with Articles 5 and 6 of this decision and if the product which it concerns fulfils the terms of Regulation (EEC) 1768/92, the O.B.I. shall grant the certificate without a prior check on the terms of Article 3, para. 1, items (c) and (d) of Regulation (EEC) 1768/92, on the responsibility of the applicant.

After the granting of the certificate, third parties may seek information and copies of the application and of the additional information which concerns the product protected.

The O.B.I. shall, without fail, notify the National Pharmaceuticals Organisation of the granting of the certificate.

Article 8.

Publication

The publication stipulated in Article 11 of Regulation (EEC) 1768/92 shall be in the Industrial Property Bulletin.

The publication of the certificate shall also mandatorily give the data of Article 11, para. 1 of Regulation (EEC) 1768/92.

In the event of the application being rejected by the O.B.I. in accordance with Article 6, para. 2 of the present Ministerial Decision, the act of rejection and the particulars of Article 9, para. 2 of Regulation (EEC) 1768/92 shall be published in the Industrial Property Bulletin.

CHAPTER FOUR

RIGHTS FROM THE CERTIFICATE - DUTIES

Article 9.

Content of right

The certificate shall give its holder, being a natural or legal person, the exclusive rights of Article 10 of Law 1733/87, which shall be implemented mutatis mutandis.

Article 10.
Charges

For the lodging of an application for the granting of a certificate, lodging duties shall be paid to the O.B.I.

For the granting of protection, the holder of the certificate shall be obliged to make prepayment of annual duties to the O.B.I., in mutatis mutandis implementation of Article 24 of Law 1733/87.

The level of the lodging duty and of the annual protection duties shall be determined by a decision of the Administrative Council of the O.B.I..

Failure to make punctual payment of the annual protection duties shall entail forfeiture

of the rights which stem from the certificate, in mutatis mutandis implementation of Article 16 of Law 1733/87.

CHAPTER FIVE

FINAL PROVISIONS

Article 11.

Commencement of force

This decision shall come into force on its publication in the Government Gazette.

This decision is to be published in the Government Gazette.

ANNEX

LEGISLATION RELEVANT TO INVENTIONS, DESIGNS AND MODELS, TECHNOLOGY TRANSFER, AND TOPOGRAPHIES OF SEMI CONDUCTOR PRODUCTS*

1. Law No. 5562/1932 on the Ratification Convention on International Exhibitions signed between Greece and other countries in Paris on November 22, 1928 (O.J. - FEK No. 221, A'/11.07.1932).

2. Article 39, 1 and 40 of L.D. No. 3026/1954 (O.J. - FEK 235, A' "Code of Lawyers").

3. Law No. 4307/1963 on the Ratification of the Multilateral International Treaty signed in Paris on September 21, 1960 regarding the Mutual Conservation of the Secrecy of Inventions concerning the National Defense and which have been the subject of an Application for the Grant of a Patent (O.J. - FEK No. 79, A'/30.05.1963).

4. Law No. 4325/1963 on Inventions concerning the National Defense (O.J. - FEK No. 156, A'/27.09.1963).

5. Ministerial Decision OIK No. 56200/19.10.1963 on Inventions concerning the National Defense (O.J. - FEK No. 493, B'/04.11.1964).

6. Law No. 213/1975 on the Ratification of the Paris Convention for the Protection of Industrial Property as revised at Stockholm on July 14, 1967 (O.J. - FEK No. 258, A'/20.11.1975).

7. Law No. 472/1976 on the Ratification of the Protocol signed in Paris on November 30, 1972 amending the Convention on International Exhibitions

signed in Paris on November 22, 1928 (O.J. - FEK No. 305, A'/16.11.1976).

8. Law No. 1607/1986 on the Ratification of the Convention on the Grant of European Patents done at Munich on October 5, 1973 (O.J. - FEK No. 85, A'/30.06.1986).

9. Law No. 1733/1987 on Technology Transfer, Inventions, Technological Innovation, and Formation of a Nuclear Energy Committee (O.J. - FEK No. 171, A'/22.09.1987) as in force.

10. Article 18, paragraphs a and b of Law No. 1739/1987 on the Management of Water Resources and Other Regulations (O.J. - FEK No. 201, A'/20.11.1987).

11. Ministerial Decision No. 15928/EFA/15253/24.12.1987 on the Filing of an Application for Grant of a Patent or of a Utility Model Certificate with the O.B.I. and Keeping of Record Books (O.J. - FEK No. 778, B'/31.12.1987).

12. Presidential Decree No. 77/1988 on the Implementing Regulations to the Convention on the Grant of European Patents as ratified by Law No. 1607/1986 (O.J. - FEK No. 33, A'/25.02.1988).

13. Ministerial Decision No. 5326/EFA/485/31.03.1988 on Technology Transfer Contract - Registration Form (O.J. - FEK No. 247, B'/27.04.1988).

* ***The following are published as being of major importance: No. 9, 10, 11, 12, 13, 16, 17, 18 and 20***

14. Law No. 1883/1990 on the Ratification of the Patent Cooperation Treaty done at Washington on June 19, 1970 and amended on October 2, 1979 and February 3, 1984 (including the Implementing Regulations) (O.J. - FEK No. 45, A'/29.03.1990).

15. Presidential Decree No. 16/1991 on the Implementing Regulations of the Patent Cooperation Treaty as ratified by Law No. 1883/1990 (O.J. - FEK No. 6, A'/24.01.1991).

16. Presidential Decree No. 45/1991 on the Legal Protection of Semiconductor Products in compliance with Council Directive No. 87/54/EEC, 16.12.1986 as supplemented by Decisions No. 87/532/EEC and 88/311/EEC (O.J. - FEK No. 24, A'/01.03.1991).

17. Article 2 of Presidential Decree No. 54/1992 on the Amendment of the Regulations provided for in Law No. 1733/1987 on Technology Transfer, Inventions, Technological Innovation and Formation of a Nuclear Energy Committee in compliance with the EEC Treaty (O.J. - FEK No. 22, A'/14.02.1992).

18. Law No. 2029/1992 on the Ratification of the Community Patent Convention (including the Annex thereof and the Protocols annexed thereto) and the Protocol on the eventual amendment of the conditions on entering into force of the Community Patent Convention done at Luxemburg on December 15, 1989 (O.J. - FEK No. 55, A'/06.04.1992).

19. Council Regulation (EEC) No. 1768/1992 of June 18, 1992 concerning the creation of a Supplementary Protection Certificate for Medicinal Products (EEEK L 182/1, 02.07.1992).

20. Presidential Decree No. 232/1992 on the Exemption of the Industrial Property

Organization (O.B.I.) from the Public Sector as of July 14, 1992 (O.J. - FEK No. 120, A'/14.07.1992).

21. Law No. 2128 on the Ratification of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure done at Budapest on April 28, 1977 and amended on September 26, 1980 (including Regulations) (O.J. - FEK No. 56, A'/06.04.1993).

22. Law No. 2202/1994 on the Ratification of the Revision Act of Article 63 of the European Patent Convention of October 5, 1973 (FEK No. 57, A'/15.04.1994).

23. Law No. 2290/1995 on the Ratification of the Final Act concerning the results of the multilateral commercial negotiations carried out in the framework of the Uruguay Round. (Trade related aspects of intellectual rights) (FEK No. 28, A'/09.02.1995).

24. Presidential Decree No. 415/1995 on the Completion of the P.D. No. 45/1991 (FEK No. 24, A') concerning the Protection of Topographies of Semiconductor Products in compliance with the European Council Directive No. 87/54/EEC of December 16, 1986 and the Decision 90/510/EEC as amended by Decisions No. 93/17/EEC, 95/237/EC, 94/700/EC, 94/828/EC and the Provision of the European Economic Area (EEA) ratified by Law No. 2155/1993 (FEK No. 238, A'/16.11.1995).

25. Law No. 2359/1995 on the Amendment to the Government Bill on the Hellenic Bank for Industrial Development (ETVA) and other Provisions (FEK No. 241, A'/21.11.1995).

26. Regulation (EC) No. 240/1996 of the Commission of January 31, 1996 concerning the implementation of Article 85, par. 3 of the convention concerning the

agreements on Technology Transfer (O.J. EC L 31/2/09.02.1996).

27. Law No. 2385/1996 on the Ratification of Chapter II of the Patent Cooperation Treaty done at Washington on June, 19, 1970 and amended on October, 2, 1979 and February 3, 1984 (including the Implementing Regulations) (FEK No. 42, A'/07.03.1996).

28. Law No. 2417/1996 on the Ratification of the Hague Agreement concerning the International Deposit of Industrial Designs and Models of November 6, 1925 as revised at the Hague in November 1960 and the Complementary Act of Stockholm of September 1979 (FEK No. 139, A'/03.07.1996).

29. Law No. 2418/1996 on the Ratification of the Strasbourg Agreement concerning the International Patent Classification of March 24, 1971, as amended in September 1979 (FEK No. 140, A'/03.07.1996).

30. Ministerial Decision No. 30560/544 of August 4, 1997 on the Filling of an Application for the Grant of a Supplementary Protection Certificate for Plant Protection Products (FEK No. 665, B'/07.08.1997).

31. Regulation No. 1610/1996 (EC) of the European Council and the Council of July 23, 1996 concerning the establishment of a Supplementary Protection Certificate for Plant Protection Products (EEEEK L 198/30/08.08.1996).

32. Law No. 2516/1997 on the Establishment and Operation of Industrial and Handicraft Installations and other provisions (FEK No. 159, A'/08.08.1997) (Article 27).

33. Presidential Decree No. 259/1997 on the Implementing Provisions of the Hague Agreement concerning the International Deposit of the Industrial Designs and Models as ratified with Law 2417/1996 and Provisions for the National Protection Title (FEK No. 185, A'/19.09.1997).

34. Ministerial Decision No. 10912/EFA/2333 on the Appointment of the O.B.I.'s Administrative Council (FEK No. 890, B'/08.10.1997).

35. Ministerial Decision No. 14905/EFA/3058 on the Filling of an Application for the Grant of a Supplementary Protection Certificate for Medicinal Products (FEK No. 1162, B'/30.12.1997).

36. Ministerial Decision No. 3111/EFA/433 on the Amendment to Ministerial Decision 15928/EFA/1253 (FEK No. 778/13/31.12.1987) on the Filling of an Application for the Grant of a Patent or a Utility Model Certificate with O.B.I. and Keeping of Record Books (FEK No. 309, B'/27.03.1998).

37. Law No. 2697/1999 on the Ratification of the Locarno Agreement Concerning the International Classification of Industrial Designs and Models (FEK No. 62, A'/01.04.1999).