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

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LAW No 1733/87 (FEK 171 A' of 22.09.1987)

"Technology transfer, inventions, and technological innovation" as amended by Art. 18, of Law No 1739/1987 (GG 201, A' of 20.11.1987)

PART ONE

INDUSTRIAL PROPERTY ORGANISATION (OBI)

Article 1
Foundation - Aim

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

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

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[1] *OBI 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*

c. One technical scientist with knowledge and experience on matters related to industrial property to be proposed by the Technical Chamber of Greece (TEE).

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 OBI 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 OBI. The term of office of the members of the Administrative Council and of the Director General of OBI may be renewed [2].

4. The competencies of the Secretary of the Administrative Council shall be practiced by an employee of OBI 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 OBI, 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 OBI 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 OBI. More specifically, it shall:

a. Set up the regulation of organisational structure of OBI, the regulation regarding the status of the staff of OBI, the financial status of OBI, and the rules of procedure of the Administrative Council of OBI, and shall submit

[1] *Paragraph 2 of Article 2 is abolished by Article 27, Par. 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*

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 OBI, the relevant dispositions on Limited Companies applied thereto;

g. Determine the fees and revenues of OBI arising form 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 OBI and determine the remuneration to be paid.

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

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 OBI [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 OBI and provide for their normal and effective function;

c. He shall extrajudicially or judicially represent OBI 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 OBI or, for specific matters, to an employee of OBI.

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. OBI 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;

[1] *The first period of par. 13 of Article 2 is cited as replaced by Article 18, par. B of Law No. 1739/1987*

c. Special financing from subsidies, 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, OBI 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 OBI shall be audited by Certified Accountants.

4. For the supervision of the function of OBI, 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 OBI, approved by the Minister of Industry, Energy, and Technology the following regulations shall be set up:

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

The regulation of the organisational structure of OBI may provide for the establishment of a committee which shall comprise specialized scientists of OBI 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 OBI, 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 OBI.

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

2. OBI 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. OBI 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 OBI. 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 OBI 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 co- beneficiary 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 form 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-à-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 there of, 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 OBI 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. OBI 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 empow-

ering 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 OBI.

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 OBI 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, OBI 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, OBI 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, OBI 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 OBI 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, OBI 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, OBI may request form the European Patent Office or from any other international or national organisation the supply of information or opinions which shall be freely evaluated. Furthermore, OBI 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. OBI 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 OBI:

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 deduc-

tion 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, 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 OBI is granted within one month form 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 OBI and the note fixing the day of the trial shall be notified to the owner of the patent and to the

[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*

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 OBI, 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 OBI, 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 OBI or whoever does not pay the protection fee in due term, declines from the rights derived form the patent.

2. OBI 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 any case of an infringement or threatened infringement of a copyright, the holder of such copyright (rightholder) may request the lifting of the infringement and its omission in the future. The lifting of the infringement may include, on application by the rightholder, indicatively and not restrictively, (a) the recall of the goods that were found to be infringing a right provided for under the present law and, as in appropriate cases, materials principally used in the creation or manufacture of these goods from the channels of commerce, (b) the definitive removal of these goods and materials from the channels of commerce or (c) the destruction of these goods and materials in accordance with paragraph 5. In considering the application of the previous clause, the need for proportionality between the seriousness of the infringement and the remedies ordered, as well as the interests of third parties, shall be taken into account. The measures provided for under the second clause are carried out at the expense of the infringer, unless particular reasons are invoked for not doing so. The rightholder may also exercise the rights provided for under the first clause of the present paragraph against intermediaries whose services are used by a third party to infringe the rights provided for under the present law (articles 10 and 11 of Directive 2004/ 48/EC). For each act of omission contributing to an infringement, the court may impose a monetary penalty of up to ten thousand (10,000.00) Euros in favour of the rightholder, while in all other cases ar-ticle 947 of the Hellenic Code of Civil Procedure shall apply. In establishing the infringement of the obligation not to act provided for under the preceding clause, the procedure provided for un-der articles 686 et seq. of

the Hellenic Code of Civil Procedure is applied.[1]

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.

Article 17A
(Articles 6 and 8 of Directive 2004/48/EC)
Evidence and right of information

1. When a party has presented reasonably available evidence sufficient to support its claims of infringement or threat of infringement of the rights provided for under this law, and has, in substantiating those claims, specified evidence which lies in the control of the opposing party, the court may order, on application by the party, that such evidence be presented by the opposing party. The existence of a substantial number of copies, the other circumstances of the case having been considered, shall be considered to constitute reasonable evidence. If a party is summoned to produce the evidence provided for under the first clause and unjustifiably fails to produce such evidence, the claims of the party that sought the production or communication of such evidence shall be considered as confessed.

2. Under the conditions provided for under the first clause of the previous paragraph, in the case of infringement committed on a commercial scale, the court may also order, on application by a party, the notification of banking, financial or commercial documents in the control of the opposing party. The existence of a substantial number of copies, the other circumstances of the case having been considered, shall be considered to constitute reasonable evidence of an infringement on a commercial scale. If a party is summoned to produce the documents provided for under the first clause and unjustifiably fails to produce such evi-

[1] *Paragraph 1 of article 17, Law 1733/87 is cited as replaced by paragraph 1, article 53 of Law 3966/2011 (GG A' 118, 24.05.2011)*

dence, the claims of the party that sought the production or communication of such evidence shall be considered as confessed.

3. In any case, the court shall ensure the protection of confidential information.

4. In response to a justified request of the party, considered by the court as to its proportionality, which is filed with the action or and on its own within the context of a case concerning an infringement of rights provided for under the present law, the president of the multi-member court or the judge of the single-member court, trying pursuant to the proceedings provided for under articles 686 et seq. of the Hellenic Code of Civil Procedure, may, prior to the hearing of the case, order that information on the origin and distribution networks of the goods or services which infringe a right provided for under this law be provided by the infringer. The same may be ordered against any other person who (a) was found in possession of the infringing goods on a commercial scale, (b) was found to be using the infringing services on a commercial scale, (c) was found to be providing on a commercial scale services used in infringing a right or (d) was indicated by the person referred to in point (a), (b) or (c) as being involved in the production, manufacture or distribution of the goods or the provision of the services. Any party that unjustifiably violates an order of the court as provided for under the present paragraph shall be sentenced to pay, in addition to the legal costs, a monetary penalty of up to one hundred thousand (100,000.00) Euros, which shall be deposited in a public fund.

5. The information referred to in paragraph 4 shall, as appropriate, comprise (a) the names and addresses of the producers, manufacturers, distributors, suppliers and other previous holders of the goods or services, as well as the intended wholesalers and retailers, (b) information on the quantities produced, manufactured, delivered, received or ordered, as well as the price obtained for the goods or services in question.

6. Paragraphs 4 and 5 shall apply without prejudice to other provisions which (a) grant the rightholder rights to receive fuller information, (b) govern the use in civil or criminal proceedings of the information communicated pursuant to paragraphs 2 and 3 of this article, (c) govern responsibility for misuse of the right of information, or (d) afford an opportunity for refusing to provide information which would force the person referred to in paragraph 4 to admit to his/her own participation or that of his/her close relatives in an infringement of rights provided for under this law or (e) govern the protection of confidentiality of information sources or the processing of personal data.

7. If the party responsible to provide information provides inaccurate information intentionally or with negligence, he/she is liable for damages that were caused for this reason.

Article 17B
(Articles 7 and 9 of Directive 2004/48/EC)
Precautionary evidence and other injunction measures

1. In case of alleged infringement of a right protected under this law, the Single - Member Court of First Instance shall order, as an injunction measure, the precautionary seizure of items in the possession of the alleged infringer that constitute means of commitment or product or evidence of the infringement. Instead of precautionary seizure, the court may order the detailed description of such items, including the taking of photographs. In cases provided for under the present paragraph, paragraph 1 of article 687 of the Hellenic Code of Civil Procedure shall be applied and, as appropriate, a provisional order shall be issued pursuant

to paragraph 2 of article 691 of the Hellenic Code of Civil Procedure.

2. The court may issue against the alleged infringer injunction measures intended to prevent any imminent infringement of the rights provided for under this law or to forbid, on a provisional basis and subject, where appropriate, to a penalty payment provided for under article 947 of the Hellenic Code of Civil Procedure the continuation of the infringement, for each infringement or continuation of the infringements of such rights. In ascertaining that the conditions for the activation of the obligation to pay a monetary penalty have been met, pursuant to the injunction measure ordered or the relative provision of paragraph 2 of article 691 of the Hellenic Code of Civil Procedure, the procedure provided for by articles 686 et seq. of the Hellenic Code of Civil Procedure shall apply. The court may make such continuation subject to the lodging of guarantees intended to ensure the compensation of the rightholder. The court may also order the precautionary seizure or judicial sequestration of the goods suspected of infringing rights provided for under this law so as to prevent their entry into or movement within the channels of commerce.

3. In the case of an infringement committed on a commercial scale, the court may order, as an injunction measure, the precautionary seizure of the property of the alleged infringer, including the blocking of his bank accounts. To that end, the court may order any holder of such relevant information to communicate bank, financial or commercial documents, or ensure appropriate access to the relevant information.

4. The decision on the injunction measures referred to in paragraphs 2 and 3 may, in appropriate cases, be taken without the defendant having been heard as provided for under paragraph 1 of article 687 of the Hellenic Code of Civil Procedure, in particular where any delay would cause irreparable harm to the rightholder. In that event, the decision or the order of the court is not notified to the defendant before or during its enforcement, it shall be notified on the first business day following the enforcement, otherwise, any relevant procedural acts shall be null and void.

5. In the cases of paragraphs 1, 2 and 3, the court may make the measures subject to the lodging by the applicant of a security determined in the decision or provisional order or/and without a security and shall specify a time limit for the lodging of the action for the main case as provided for under paragraph 1 of article 693 of the Hellenic Code of Civil Procedure, which cannot exceed thirty (30) days. If no action is lodged within said time limit, the injunction measure shall be lifted ipso jure.

6. The court shall order injunction measures or precautionary evidence without needing to specify the evidence proving the infringement or threat of infringement, only to determine such evidence on a category basis.

7. In respect of paragraphs 1 to 6, the court shall have the authority to require the applicant to provide any reasonably available evidence in order to conclude, on the basis of sufficient information, that the applicant is the rightholder and that the applicant's right is being infringed, or that such infringement is imminent.

8. Where the injunction measures provided for under this article are revoked due to any act or omission by the applicant or where it is subsequently found that there has been no infringement or threat of infringement of the rights provided for under this law, the court may order the applicant, if he acted abusively, upon request of the defendant, to provide the defend-ant

appropriate compensation for any injury caused by those measures.

Article 17C
(Article 12 of Directive 2004/48/EC)
Alternative measures

On application by the person liable to be subject to the measures provided for under articles 17A and 17B, the court may order pecuniary compensation to be paid to the injured party instead of applying the aforementioned measures if that person acted unintentionally or without negligence, if execution of the measures in question would cause him disproportionate harm and if pecuniary compensation to the injured party appears reasonably satisfactory.

Article 17D
(Articles 13, 14 and 15 of Directive 2004/48/EC)
Damages, legal costs and publication of judicial decisions

1. On application by the injured party, the court may order the infringer who knowingly, or with reasonable grounds to know, engaged in an infringing activity, to pay the rightholder damages appropriate to the actual prejudice suffered by him as a result of the infringement of his right. In setting the compensation the court (a) shall take into account all appropriate aspects, such as the negative economic consequences, including lost profits, which the injured party has suffered, any unfair profits made by the infringer and, in appropriate cases, elements other than economic factors, such as the moral prejudice caused to the rightholder by the infringement, or (b) as an alternative to clause (a), may, in appropriate cases, set the compensation as a lump sum on the basis of elements such as at least the amount of royalties or fees which would have been due if the infringer had requested authorisation to use the infringed right.

2. In the cases provided for under the present law, the general legal costs and expenses shall mandatorily include any other relative expenditure reasonably incurred by the successful party, such as witness costs, attorney fees, fees of the experts and technical consultants of the parties and expenses for finding the infringers. In all other cases, the provisions set forth in articles 173 et seq. of the Hellenic Code of Civil Procedure shall apply.

3. The court, on application by the party, may allow it to publish all or part of the decision concerning rights protected under the present law in the media or on the internet at the expense of the unsuccessful party.

Article 17E
(Articles 17 and 19 of Directive 2004/48/EC)
Codes of conduct and Exchange of information

1. The interested trade or professional associations develop codes of conduct aimed at contributing on a national, Community or international level towards the enforcement of the rights provided for under the present law. The codes of conduct and any evaluations of the application of these codes of conduct are submitted to the Commission of the European Union.

2. The Industrial Property Organisation is designated the national correspondent for any question relating to the rights provided for under the pre-sent law.

Article 17F
(Article 4 of Directive 2004/48/EC)
Persons entitled to apply for the application of measures

The application of the measures provided for under paragraph 1 of article 17 and articles 17A, 17B, 17C, 17D and 17E may also be sought by:

a. all other persons authorised to use those rights, in particular licensees, in accordance with the provisions in force.

b. professional defence bodies that are regularly recognised as having a right to represent holders of intellectual property rights, in accordance with the provisions in force.

Article 17G
Application on other industrial property rights

Paragraph 1 of article 17 and articles 17A, 17B, 17C, 17D, 17E and 17F also apply to the protection of holders of an entitlement to a supplementary protection certificate for medicinal products and supplementary protection certificate for plant protection products, holders of statements of extension of the force of a supplementary protection certificate for paediatric medicines and holders of entitlements to plant varieties, designations of origin and geographical indications.[1]

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.

[1] *Articles 17A, 17B, 17C, 17D, 17E, 17F and 17G are added as of paragraph 2, article 53, Law 3966/2011 (GG A' 118,24.05.2011)*

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 OBI. 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, OBI 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 Labour 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 in-

ventors, 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 or 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 specialised 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 OBI by the contracting parties which have their domicile or seat in Greece, within one month form 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. Defence 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 cannon be discussed before the court without a written confirmation of OBI 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 technology transfer contract with OBI may entail a deduction of the fees due to OBI for the party(-ies) having registered the agreement. The percentage of the deduction shall be determined by decision of the Administrative Council of OBI.

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 OBI 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 OBI 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 OBI.

5. The proprietor of the European patent shall supply OBI 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 par. 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, it 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 OBI;

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 OBI 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 OBI 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 OBI 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 OBI

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 OBI Patents granted on the basis of these applica-

tions 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 OBI 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 OBI 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 OBI in order to serve its functional needs, in deviation from all other relevant dispositions. The period of their service at OBI shall be regarded in each case as a period of real service with the Ministry of Industry, Energy, and Technology. In accordance with the same decision, the equipment of any nature of the said Section may be transferred to OBI.

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 OBI.

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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 (OBI) 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 (OBI) are adjusted, during the conversion period, such as placement, transfer to the new functions defined, as well as concern-

[1] *Item 3 of par.1 of Article 25 is cited as replaced by Article 9, par. 2 of law No. 2359/1995. Item 4 of par.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 01.01.1969 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.*

ing 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 OBI.

NOTE:
Paragraphs 6 and 7 of article 25, and article 27 and 28, do not concern OBI's competences and are, therefore, omitted.

MINISTER'S DECISION No 15928/EFA/1253 (GG 778, B' of 21.12.1987)

"Filing of applications for the grant of patents or utility model certificates with OBI 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 OBI concerning filing of applications with OBI 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 OBI,

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 "OBI" the Industrial Property Organisation (OBI), 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 OBI is 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 OBI 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 OBI 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.

CHAPTER TWO

FILING OF A PATENT APPLICATION

Article 4
Filing of the application

1. The patent application shall be filed with OBI 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

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

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. OBI 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 OBI.

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 OBI.

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

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

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.

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 OBI.

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.

MINISTER'S DECISION No 5326/EFA/485 (GG 247, B' of 27.04.1988)

"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, GG 171, A');

2. The provisions of Law 1558/1985 "Government and Governing Bodies" (GG 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 No 1733/1987, the Industrial Property Organisation (OBI) provides a special form to be completed by the contacting party or parties.

Article 2
Obligatory Information

The following shall be completed by the contacting 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 contacting 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. OBI shall elaborate and provide printed the above mentioned form for technology transfer contracts.

2. The Administrative Council of OBI 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 (GG 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 - GG 171, A').

2. The provisions of Law No. 1558/1985 "Government and Governing Bodies (Official Journal - GG 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:

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 "OBI", the Industrial Property Organisation (OBI) with seat in Athens (art. 1, Law No. 1733/1987);

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 OBI (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 TWO

RECEIVING OF A EUROPEAN APPLICATION BY OBI

Article 3
Filing of the application

1. European patent applications may be filed either with OBI 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 OBI 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 OBI 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 OBI 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 OBI 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", OBI 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 OBI and be accompanied by the receipt of payment of the respective application fee. In case of non-payment of the fee, OBI 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 OBI. In case of priority claim the respective information must be also stated.

3. The translation together with the supporting documents are accepted by OBI 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 beneficiary of the provisional protection in accordance with article 23 (2), Law No. 1733/1987 from the date the certified translation of the claims was field with OBI 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 OBI 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 OBI in duplicate and be accompanied by the fee payment receipt. In case of failure to pay the fee, OBI does not publish the mention of filing the translation of the European patent.

2. The translation and the accompanying documents are accepted by OBI 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. OBI 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. OBI 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 OBI, 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 maintenance of a European patent in force in Greece annual fees must be paid to OBI in advance. The article 24 of Law No. 1733/1987 concerning annual protection fees for national patents is respectively applied thereto.

2. The first instalment of annual protection fees for a European patent with force in Greece is due to OBI 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 regis-

tered in the common Patent Register, Volume B', "European Patents".

Article 18
Fees

The amount of fees payable to OBI for the translation of the European application or the European patent is determined by decision of the Administrative Council of OBI 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 OBI 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 OBI 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;

b. 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 OBI 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 OBI 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. OBI 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 - GG No. 45, A').

Having regard to the provisions of Law No 1558/1985 on "Government and Governing Bodies" (Official Journal - GG 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:

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 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 - GG 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 1607/1986 (Official Journal - GG No. 85 A').

CHAPTER TWO

RECEIPT OF THE INTERNATIONAL APPLICATION BY THE OBI

Article 3
Filing of the Application

1. The international application may be filed either at the Athens - seated Offices of the Industrial Property Organisation (OBI) 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 OBI 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 defence").

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 OBI 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 OBI 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 OBI 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 OBI.

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 OBI 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 accompa-

nying 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 OBI 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 OBI.

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 OBI finds that the requirements listed in the above paragraph are fulfilled at the time of receipt, the OBI shall accord as the international filing date the date of receipt.

3. If the international application fulfils the requirements listed in paragraph 1 of this Article, the formalities officer of the OBI shall mark the margin of the applications form with the seal of the Organization 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 defence of the country, the OBI 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 OBI for the international application.

Article 11
Correction of Defects in the
International Application

1. If the OBI 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 OBI 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 OBI 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 OBI. 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 OBI 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 OBI. 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 - GG 85 A') and of the Presidential Decree No. 77/1988 "implementing regulations on the grant of European Patents" (Official Journal - GG 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 OBI. 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 OBI shall be accompa-

nied 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 by due within one month from the receipt of the international application by the OBI

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 OBI
(The Transmittal Fee)

1. The transmittal fee for the international application shall be paid for the benefit of the OBI 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 OBI. 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 paid for the benefit of the OBI as prescribed in this Decree are as set out in the current Fee Regulations of the OBI

Article 18
Fees for the benefit of the WIPO
(The International Fee)

1. The OBI 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 OBI 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 OBI 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 OBI 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 OBI

2. The international fee is paid to the OBI 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 OBI 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 OBI, 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 OBI 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 OBI 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 (GG).

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

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

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 (GG 70, vol. A), as amended with Article 7 of Law 1775/1988 on companies providing venture capital and other provisions (GG 101, vol. A);

2. Having regard to Law 945/1979 on Ratification of the Treaty of accession of Greece to the European Economic Community (GG 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 (GG 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 (GG 171, vol. A);

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

6. Having regard to the opinion No. 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:

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. "OBI" 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]

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[1] Paragraph 2 of Article 5 is abolished by Article 2(a) of PD 415/1995

Article 6

Right to register a topography

1. The following persons shall have the right to file an application for registration with the OBI 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; [1]

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 there in such a country, and to companies or other legal persons which have commercial or industrial establishment there:

- Australia
- Collectivité territoriale de Saint-Pierre et Miguelon
- French Polynesia
- French Southern and Antarctic Territories
- Iceland
- Japan
- Liechtenstein
- New Kalidonia and dependencies
- 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 the following 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 dependencies (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 a country 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 the 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 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 com-

[1] *As amended by Article 2b of PD 415/1995*
[2] *As amended by Article 2b of PD 415/1995*

mercial 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-à-vis the OBI 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 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

[1] *As amended by Article 2(c) PD 415/1995*

[2] *As amended by Article 3 PD 415/1995*

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 OBI, 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 OBI. Otherwise, the application shall be deemed to be overdue, no date of registration will be granted by the OBI, 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 OBI 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 OBI 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 (GG 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 OBI 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 OBI 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 OBI 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 protect-

ed 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 [1].

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 OBI of the application for registration of the topography [1].

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 OBI

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 PD 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 any case of an infringement or threatened infringement of exclusive rights that emanate from a protected topography, the holder of such topography (rightholder) may request the lifting of the infringement and its omission in the future. The lifting of the infringement may include, on application by the rightholder, indicatively and not restrictively, (a) the recall of the goods that were found to be infringing a right provided for under the present decree and, as in appropriate cases, materials principally used in the creation or manufacture of these goods from the channels of commerce, (b) the definitive removal of these goods and materials from the channels of commerce or (c) the destruction of these goods and materials. In considering the application of the previous clause, the need for proportionality between the seriousness of the infringement and the remedies ordered, as well as the interests of third parties, shall be taken into account. The measures provided for under the second clause are carried out at the expense of the infringer, unless particular reasons are invoked for not doing so. The rightholder may also exercise the rights provided for under the first clause of the present paragraph against intermediaries whose services are used by a third party to infringe the rights provided for under the present law (articles 10 and 11 of Directive 2004/48/EC). For each act of omission contributing to an infringement, the court may impose a monetary penalty of up to ten thousand (10,000.00) Euros in favour of the rightholder, while in all other cases article 947 of the Hellenic Code of Civil Procedure shall apply. In establishing the infringement of the obligation not to act provided for under the preceding clause, the procedure provided for under articles 686 et seq. of the Hellenic Code of Civil Procedure is applied.[1]

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. The provisions set forth in paragraphs 3, 4, 5, 6 and 7 of article 17 of Hellenic Law 1733/1987, as well as those set forth in articles 17A to 17F of the same law, are accordingly applied.[2]

4. The rights set out in paragraph 2 shall also be recognised in respect of any person who has reason to believe

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[1] *Paragraph 1 is cited as replaced by par. 3, article 53 of Law 3966/2011 (GG A' 181, 24.05.2011)*

[2] *Paragraph 3 is cited as replaced by par. 4, article 53 of Law 3966/2011 (GG A' 181, 24.05.2011)*

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.

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

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[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 18.16.1992
[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.

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.

[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 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 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 Di-

rective 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 54/14.02.1992

"Amendment to the provision of Law No 1733/1987 (GG 171 A') 'Transfer of technology, inventions, technological innovation and establishment of an Atomic Energy Committee' in compliance with the EC Treaty (GG 22 A)"

THE PRESIDENT
OF THE HELLENIC REPUBLIC

Having regard to:

1. Article 3 of Law 1338/1983 "Implementation of Community Law" (A/34) as amended by Article 6 of Law 1440/1984 "Participation of Greece in the capital, the reserves and the provisions of the European Coal and Steel Community and the EURATOM Supply Agency" (A/70), Article 7 of Law 1775/88 (GG 101 A') and Article 65 of Law 1892/1990 "Regarding modernization and development and other provisions" (A/101).

2. Law 945/1979 "Regarding Ratification of the Treaty of Accession of Greece to the European Economic Community" (GG 170, A', 27.7.1979).

3. The opinion no. 454/91 of the Council of State, following a proposal by the Ministers for National Economy and for Industry, Energy and Technology, we hereby decide:

Article 1

The purpose of this Presidential Decree is to ensure the compliance of the Greek legislation with the provisions of Article 30 et seq. of the EC Treaty.

Article 2

Article 13(2) of Law 1733/1987 shall be replaced as follows:

"2. The non-contractual license shall not be provided if the beneficiary of the patent documents the non-exploitation or the inadequate exploitation in the country. The product's import shall not constitute a reason for invoking and implementing this provision. The provision of the previous sub-paragraph shall not apply to imports of products from the Member States of the European Communities".

Article 3

This presidential decree shall enter in effect upon its publication in the Government's Gazette.

The Minister for Industry, Energy and Technology is hereby assigned to publish and execute this Decree.

LAW No 2359/1995

"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 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, Inventions 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*

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

[1] *The provisions which concern national entitlement to protection are given*

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 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,

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[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

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 trus 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 stuck 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; or

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 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.

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[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)

Article 3
Conditions for Obtaining a Certificate

1. A certificate shall be granted if, in the Member State in which the application 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, par. 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, par. 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 (GG A' 154) and replaced by Article 1, par. 2a of Law 2469/1997 (GG 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 protections 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 incor-

porated 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. “OBI”: 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, par. 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 (OBI).

Article 5
Lodging of an application

1. For the granting of a certificate, the lodging of an application with the OBI 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 OBI 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 OBI.

5. As to the lodging and drafting of documents before the OBI, 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 OBI, the applicant must submit to the OBI 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 OBI 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 OBI shall grant the certificate without a prior check on the terms of Article 3, par. 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, par. 1 of Regulation 1610/96, the term of force of the certificate.

3. In the event of the application being rejected by the OBI in accordance with Article 6, par. 2 of the present Ministerial Decision, the act of rejection and the particulars of Article 9, par. 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 OBI.

2. For the granting of protection, the holder of the certificate shall be obliged to make prepayment of annual duties to the OBI, 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 OBI.

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 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. “OBI” means the Athens-seated Industrial Property Organisation (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 OBI 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 OBI 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 OBI 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 OBI, 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. OBI 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. OBI 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 OBI 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 OBI.

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 OBI.

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 OBI 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.

4. “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 OBI, 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 behaviour towards the designer or his successor in title, unless this behaviour 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 OBI 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 co-holder 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 OBI 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 OBI 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 OBI 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 ac-

cordance 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, OBI 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 OBI containing the elements of paragraphs 3a below.

3. Within 10 months from the first duly filed application abroad, the following shall be filed at OBI:

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 OBI, 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'), OBI 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, OBI 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, OBI shall mention it in the publication under a separate mention. For the purposes of publication, a publication fee shall be paid to OBI 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. OBI 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 set forth in paragraphs 2, 3, 4, 5, 6, and 7 of Article 17 of Hellenic Law No. 1733/1987, as well as those set forth in articles 17A to 17F of the same law, are accordingly applied.[1]

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 OBI. 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 OBI 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.

CHAPTER 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.

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[1] *Paragraph 2 is cited as replaced by par. 6, article 53 of Law 3966/2011 (GG A'181, 24.05.2011). By paragraph 7, of this same article and law, is determined:*
a. In cases pending at the time the present law enters into force, the procedural acts that have not been carried out are carried out in accordance with the provisions of that law.
b. The duration of the deadlines that had begun prior to the entry into force of this law is estimated in accordance with the provisions set forth in that law only if the stipulated duration of those deadlines is greater than that provided for under the provisions that were in force.

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.

LAW No 2557/1997 (GG 271, A', 24.12.1997)

"Institutions, measures and actions for cultural development"

THE PRESIDENT
OF THE HELLENIC REPUBLIC

Hereby issues the following law as adopted by the Parliament:

Article 8

Paragraph 18

The international term 'propriété intellectuelle' ('intellectual property') is literally rendered into the Greek language ('dianoitiki idioktisia') and contains both literary property ('propriété littéraire et artistique' or 'droits d'auteur', copyright) and related rights, and industrial property ('propriété industrielle'), e.g. patents and trade marks.

JOINT MINISTERIAL DECISION No 14905/EFA/3058

"Lodging of an application with the OBI for the granting of a supplementary certificate for protection for pharmaceuticals"

THE MINISTERS
OF THE NATIONAL ECONOMY,
OF DEVELOPMENT
AND OF HEALTH AND WELFARE

Having taken into consideration:

1. The provisions:

a. Of Article 2, par. 1 (h) and (j) of Law 1338/1983 'Implementation of Community law' (Government Gazette 34 A') as this was amended by Article 6, par. 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, par. 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, par. 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.

The minute of 22 October 1997 of the Administrative Council of the OBI.

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 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. "OBI": 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, par. 1 of Regulation (EEC) 1768/92.

g. 'Patent': the patent granted by the OBI 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 (OBI).

Article 5
Lodging of an application

For the granting of a certificate, the lodging of an application with the OBI 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 OBI 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 OBI.

As to the lodging and drafting of documents before the OBI, 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 OBI, the applicant must submit to the OBI 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 OBI 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 OBI shall grant the certificate without a prior check on the terms of Article 3, par. 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 OBI 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, par. 1 of Regulation (EEC) 1768/92.

In the event of the application being rejected by the OBI in accordance with Article 6, par. 2 of the present Ministerial Decision, the act of rejection and the particulars of Article 9, par. 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 OBI.

For the granting of protection, the holder of the certificate shall be obliged to make prepayment of annual duties to the OBI, 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 OBI.

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.

LAW No 2919/2001 (GG 128, A', 25.06.2001)

"Connecting research and technology with production and other provisions"

THE PRESIDENT
OF THE HELLENIC REPUBLIC

Hereby issues the following law as adopted by the Parliament:

PART A

Article 1
Amendment to provisions of
law 1514/1985

Provisions under items f and g of Article 2 of L. 1514/1985 (GG 13 A') shall be replaced as follows:

"f) Research entity shall be the legal person under public or private law whose main object is the scientific and technological research, in conjunction with experimental development and presentation as well as diffusion and implementation of the research results through the economic exploitation of such results, either by the above persons and/ or the people employed by such persons or a third party.

g) Technology entity shall be the legal person under public or private law whose main object is to develop technological infrastructure and activities and to provide scientific, technological and technical services to a third party (including analyses, measurements, tests, information, consulting, protection of industrial property, and other.) An entity can be both a research and technology entity.

Provisions of L. 1514/1985, as in force each time, and all provisions regulating research and technology issues shall apply to both research and technology entities supervised by the General Secretariat for Research and Technology (GGET) and other entities as provided for in special provisions.

Greek Atomic Energy Commission shall be deemed as a technology entity at the same time maintaining its legal status of a State Agency."

LAW No 2943 (GG 203, A, 12.09.2001)

"Serving of sentences by drug dealers and other provisions within the remit of the Ministry for Justice"

THE PRESIDENT OF THE HELLENIC REPUBLIC

Hereby issues the following law as adopted by the Parliament:

CHAPTER THREE

COMMUNITY TRADE MARKS CHAMBERS

Article 6

For the purposes of Article 91 of Council Regulation No. (EC) 40/94 of 20 December 1993 on the community trade mark, specially designated chambers shall be established in the civil Courts of First Instance and Courts of Appeal on Athens and Thessaloniki under the form of first and second instance tribunals for community trade marks, which shall exercise all powers assigned by the above Regulation to community trade marks courts.

Article 7

1. As regards the hearing of community trade mark cases under Council Regulation No. (EC) 40/94 relevant jurisdiction of: a) the specially designated community trade marks chamber of the Athens Courts of First Instance and of Appeal shall extend to the areas of jurisdiction of the following Courts of Appeal namely, the regions of Athens, Aegean Sea, Dodecanese, Corfu, Crete, Lamia, Nafplio, Patras and Piraeus, and b) the specially designated community trade marks chamber of the Thessaloniki Courts of First Instance and of Appeal shall extend to the areas of jurisdiction of the following Courts of Appeal namely, the regions of Thessaloniki, Western Macedonia, Thrace, Ioannina and Larissa.

2. As regards the subject matter jurisdiction the domestic law provisions shall apply.

Article 8

1. Cases falling under the jurisdiction of the community trade marks chamber and introduced in another chamber of the same Court shall be referred to the community trade marks chamber.

2. Cases not falling under the jurisdiction of the community trade marks chamber and introduced therein may be submitted for hearing by such chamber or referred to the competent chamber.

3. For the remainder, the provisions of Article 46 of the Code of Civil Procedure shall apply.

Article 9

1. The community trade marks chambers shall try cases relating to patents, utility model certificates, technology transfer, topographies of semiconductor products and supplementary protection certificates, industrial designs and, in general, cases relating to patents falling within the jurisdiction of the civil courts.

2. Provisions in Articles 7 and 8 shall apply correspondingly.

Article 10

1. The community trade marks chambers of the Athens and Thessaloniki Courts of First Instance and of Appeal, provided they have relevant jurisdiction pursuant to provisions in the do-

mestic law, shall also try cases of national trade marks.

2. The community trade marks chambers, provided they have relevant jurisdiction pursuant to provisions in the domestic law may also try other commercial law cases if, in the Judge's or the appointed Judicial Council's discretion, this is required for Service purposes.

3. Members of the community trade marks chambers shall preferably be judges specialised or experienced in trade mark law, in particular, community trade mark law, patent law and commercial law in general.

Article 11

Provisions in this chapter shall apply to cases in which the application initiating proceedings shall be filed with the Court's secretariat upon this law entering into effect.

PRESIDENTIAL DECREE No 321/24.09.2001

"Adaptation to Directive 98/44/EC of the European Parliament and of the Council on the legal protection of biotechnological inventions"

THE PRESIDENT
OF THE HELLENIC REPUBLIC

Having regard to the following:

1. article 4 of L. 1338/1983 Application of community law" (GG 34, A), as replaced with Article 6, par. 4 of L. 1440/1984 "Participation of Greece in equity, reserves and provisions of the European Coal and Steel Community and of the EURATOM Supply Agency (GG 70, A') and Article 22 of L. 2789/2000 (GG 21, A);

2. provisions of Article 2 in L. 2077/1992 "Ratification of the Treaty on European Union and related protocols and declarations incorporated in the final act" (GG 136, A);

3. provisions of Article 29A in L. 1558/85 (GG 137, A), as supplemented by Article 27 in L. 2081/92 (GG 154, A) and replaced with Article 1, par. 2a in L. 2469/97 (GG 38, A) and to the fact that provisions in this presidential decree entail no expenditure under the national budget;

4. provisions of PD 27/1.2.96 (GG 19, A) on “Merging of the ministry for tourism, the ministry for industry, energy and technology, and the ministry for commerce into the ministry for development”;

5. opinion No. 402/2001 by the Council of State, following a proposal submitted by the minister for national economy, the minister for justice and the minister for development, the following is hereby decided:

CHAPTER ONE

GENERAL PROVISIONS

Article 1
Scope

This presidential decree aims to adapt the Greek law to Directive 98/44/EC of the European Parliament and of the EU Council dated July 6 1998 on the “Legal protection of biotechnological inventions", published in the Greek language in the Official Journal of the European Union on July 30 1998 (EEL 213).

CHAPTER TWO

PATENTABILITY

Article 2

1. For the purpose of implementing this presidential decree the following interpretations shall apply:

a. "biological material": any material containing genetic information and capable of reproducing itself or being reproduced in a biological system;
b. "microbiological process": any process involving or performed upon or resulting in microbiological material;

2. A process for the production of plants or animals is essentially biological if it consists entirely of natural phenomena such as crossing or selection.

3. The concept of ‘plant variety’ is defined by Article 5 of Regulation (EC) No. 2100/94 (OJ L 227/9LI).

Article 3

1. For the purpose of implementing this presidential decree inventions specified in provision of Article 5 par. 1 of L. 1733/1987, whose object is a product consisting of or containing biological material or a process by means of which biological material is produced, processed or used shall be patentable.

2. Biological material which is isolated from its natural environment or produced by means of a technical process may be the subject of an invention even if it previously occurred in nature.

3. Inventions which concern plants or animals shall be patentable if the technical feasibility of the invention is not confined to a particular plant or animal variety.

Article 4

1. The human body, at the various stages of its formation and development, and the simple discovery of one of its elements, including the sequence or partial sequence of a gene, cannot constitute patentable inventions.

2. An element isolated from the human body or otherwise produced by means of a technical process, including the sequence of partial sequence of a gene, may constitute a patentable invention, even if the structure of that element is identical to that of a natural element.

3. The industrial application of a sequence or a partial sequence of a gene must be disclosed in the patent application.

Article 5

1. Inventions shall be considered unpatentable where their commercial exploitation would be contrary to the public order or morality; however, exploitation shall not be deemed to be contrary to the public order or morality merely because it is prohibited by the applicable law.

2. Pursuant to paragraph 1 the following, in particular, shall be unpatentable:

a. processes for cloning human beings;

b. processes for modifying the germ line genetic identity of human beings;

c. uses of human embryos for industrial or commercial purposes;

d. processes for modifying the genetic identity of animals which are likely to cause them suffering without any substantial medical benefit to man or animal, and animals resulting from such processes.

CHAPTER THREE

EXTENT OF PROTECTION

Article 6

1. The protection conferred by a patent on a biological material possessing specific characteristics as a result of the invention shall extend to any biological material derived from that biological material through propagation or multiplication in an identical or divergent form and possessing those same characteristics.

2. The protection conferred by a patent on a process that enables a biological material to be produced possessing specific characteristics as a result of the invention shall extend to biological material directly obtained through that process and to any other biological material derived from the directly obtained biological material in an identi-

cal or divergent form and possessing the same characteristics.

Article 7

The protection conferred by a patent on a product containing or consisting of genetic information shall extend to all material, save as provided in Article 4, par. 1, in which the product is incorporated and in which the genetic information is contained and performs its function.

Article 8

The protection referred to in Articles 6 and 7 shall not extend to biological material obtained from the propagation or multiplication of biological material placed on the market in the territory of a Member State by the holder of the patent or with his consent, where the propagation or multiplication necessarily results from the application for which the biological material was marketed, provided that the material obtained is not subsequently used for other propagation or multiplication

Article 9

1. By way of derogation from Articles 6 and 7, the sale or other form of commercialisation of plant propagating material to a farmer by the holder of the patent or with his consent for agricultural use implies authorisation for the farmer to use the product of his harvest for propagation or multiplication by him on his own farm, the extent and conditions of this derogation corresponding to those under Article 14 of Regulation (EC) No. 2100/94.

2. By way of derogation from Articles 6 and 7, the sale or any other form of commercialisation of breeding stock or other animal reproductive material to a farmer by the holder of the patent or with his consent implies authorisation for the farmer to use the protected livestock for an agricultural purpose. This includes making the animal or other animal reproductive material available for the purposes of pursuing his agricultural activity but not sale within the framework or for the purpose of a commercial reproduction activity.

CHAPTER FOUR

COMPULSORY LICENSES DUE TO INTERDEPENDENCE

Article 10

1. Where a breeder cannot acquire or exploit a plant variety right without infringing a prior patent, he may apply for a compulsory licence for non-exclusive use of the invention protected by the patent inasmuch as the licence is necessary for the exploitation of the plant variety to be protected, subject to payment of an appropriate royalty.

Where such a licence is granted, the holder of the patent will be entitled to a cross-licence on reasonable terms to use the protected variety.

2. Where the holder of a patent concerning a biotechnological invention cannot exploit it without infringing a prior plant variety right, he may apply for a compulsory licence for non-exclusive use of the plant variety protected by that right, subject to payment of an appropriate royalty. Where such a licence is granted, the holder of the variety right will be entitled to a cross-licence on reasonable terms to use the protected invention.

3. Applicants for the licences referred to in paragraphs 1 and 2 must demonstrate that:

a. they have applied unsuccessfully to the holder of the patent or of the plant variety right to obtain a contractual licence;

b. the plant variety or the invention constitutes significant technical progress of considerable economic interest compared with the invention claimed in the patent or the protected plant variety.

4. The authority responsible for granting the licence referred to in paragraphs 1 and 2 is the Court specified in Article 13, par. 10 of L. 1733/1987. Provisions in Article 13 of L. 1733/1987, shall apply correspondingly. Where a licence for a plant variety can be granted only by the Community Plant Variety Office, Article 29 of Regulation (EC) No. 2100/94.

CHAPTER FIVE

DEPOSIT, ACCESS AND NEW DEPOSIT OF BIOLOGICAL MATERIAL

Article 11

1. Where an invention concerns biological material which is not available to the public and which cannot be described in a patent application filed with the Industrial Property Organisation (OBI) in such a manner as to enable the invention to be reproduced by a person skilled in the art or entail the use of such material, the description shall be considered inadequate for the purposes of patent law unless:

a. the biological material has been deposited no later than the date on which the patent application was filed with a recognised depository institution. At least the international depository authorities which acquired this status by virtue of Article 7 of the Budapest Treaty of 28 April 1977 on the international recognition of the deposit of micro-organisms for the purposes of patent procedure, hereinafter referred to as the 'Budapest Treaty`, as ratified by Law 2128/1993 (GG 56, A') shall be recognised;

b. the application as filed contains such relevant information as is available to the applicant on the characteristics of the biological material deposited;

c. the patent application states the name of the depository institution and the accession number.

2. Access to the deposited biological material shall be provided through the supply of a sample:

a. up to the first publication of the patent application, only to those persons who are so authorised under international treaties or under national patent law;

b. between the first publication of the patent application by OBI and the granting of the patent, to anyone requesting it or, if the applicant so requests, only to an independent expert;

c. after the patent has been granted, and notwithstanding revocation or cancellation of the patent, to anyone requesting it.

3. The sample shall be supplied only if the person requesting it undertakes, for the term during which the patent is in force:

a. not to make it or any material derived from it available to third parties; and

b. not to use it or any material derived from it except for experimental purposes, unless the applicant for or proprietor of the patent, as applicable, expressly waives such an undertaking.

4. At the applicant's request, where an application is refused or withdrawn under Article 8, par. 1 and 2 of L. 1733/1987, access to the deposited material shall be limited to an independent expert for 20 years from the date on which the patent application

was filed. In that case, paragraph 3 shall apply.

5. The applicant's requests referred to in point (b) of paragraph 2 and in paragraph 4 may only be made up to the date on which the technical preparations for publishing the patent application are deemed to have been completed.

Article 12

1. If the biological material deposited in accordance with Article 11 ceases to be available from the recognised depository institution, a new deposit of the material shall be permitted on the same terms as those laid down in the Budapest Treaty.

2. Any new deposit filed with the Industrial Property Organisation shall be accompanied by a statement signed by the depositor certifying that the newly deposited biological material is the same as that originally deposited.

Article 13

The Industrial Property Organisation (OBI), having its seat at Athens, shall be responsible for the implementation of this presidential decree (Article 1 of L. 1722/1987).

Article 14
Entry into force

This presidential decree shall enter into force upon its publication in the Government Gazette.

The minister for development shall be responsible for the publication and implementation of this decree.

PRESIDENTIAL DECREE No 161/31.05.2002

"Adaptation of Presidential Decree 259/1997 to the provisions of Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs"

THE PRESIDENT OF THE HELLENIC REPUBLIC

Having regard to:

1. The provisions of Article 4 of Law 1338/83 on the implementation of Community Law (Government Gazette Issue A 34), as has been replaced by Article 6 (4) of Law 1440/1984 (Government Gazette Issue A 70) and amended by Article 22 of law 2789/2000 (Government Gazette Issue A 21), as well as the provisions of Article 65 of Law 1892/1990 (Government Gazette Issue A 101);

2. The provisions of Article 2 of Law 2077/1992 on the ratification of the Treaty for the European Union and the relevant protocols and declarations included in the Final Act (Government Gazette Issue A136);

3. Article 4 of Law 2417/1996 on the ratification of the Hague Agreement concerning the international registration of industrial designs of 6 November 1925, as has been reviewed in the Hague on 28 November 1960 and the Complementary Act of Stockholm of 14 July 1967, as was amended on 28 September 1979 (Government Gazette Issue A 139);

4. Presidential Decree 81/2002 on the merger of the Ministry of National Economy and the Ministry of Finance into the Ministry of Economy and Finance (Government Gazette Issue A 57);

5. Article 29A of Law 1558/85 on the government and government agencies (Government Gazette Issue A 137), which was added by virtue of Article 27 of Law 2081/92 on regulating the institution of Chambers, and the amendment of the provisions of Law 1712/1987 to modernize professional associations, merchants, small industrialists, and other professions, and other provisions (Government Gazette Issue A 154) and replaced by Article 1 (2) (a) of Law 2469/1997 on limiting and improving the efficiency of government expenses and other provisions (Government Gazette Issue A 38);

6. The fact that provisions of this Presidential Decree do not generate expenses charged to the State Budget;

7. Opinion No. 157 of 22 March 2002 of the Council of the State by motion of the Minister of Economy and Finance, the Minister of Justice and the Minister of Development;

We hereby decide:

Article 1
Object

It is the object of this Presidential Decree to adapt Presidential Decree 259/1997 on the ratification of the Hague Agreement concerning the international registration of industrial designs, that was ratified by Law 2417/1996 and provisions on the national protection title (Government Gazette Issue A 185) to the provisions of Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs (OJ L 289/28.10.98).

Article 2
(Article 1 (c) of Directive 98/71/EC)

Indent c will be added to Article 2 (1) of Presidential Decree 259/1997 with the following wording:

"c. "complex product" means a product which is composed of multiple components which can be replaced permitting disassembly and reassembly of the product."

Article 3
(Articles 5 (2) and 3 (4) of Directive 98/71/EC)

1. In Article 12 (5) of Presidential Decree 259/1997 the phrase "with regard to technical needs" will be replaced with: "in developing the design".

2. Article 12 (7) of Presidential Decree 259/1997 will be replaced with the following text:
"Normal use within the meaning of paragraph 6 above will mean use by the end user, excluding maintenance, servicing or other similar works."

Article 4
(Article 6 (2) of Directive 98/71/EC)

Article 14 (1) of Presidential Decree 259/1997 will be replaced with the following text:
"The new and individual nature of a design in accordance with Article 12 (3) and (4) hereof will not be cancelled where a design which has been made available to the public during the 12-month period preceding the date of filing of the application or, if priority is claimed, the date of priority, if one of the following reasons applies:"

Article 5
(Article 9 of Directive 98/71/EC)

Article 27 of Presidential Decree 259/1997 is replaced by the following text:

1. "Beneficiary protection will include any design which does not produce on the informed user a different overall impression"

2. "In assessing the scope of protection, the degree of freedom of the designer in developing his design will be taken into consideration."

Article 6
(Article 11 (1) (a) and (d), (4) and (7) of Directive 98/71/EC)

1. Indents e and f will be added to Article 16 (1) of Presidential Decree 259/1997 with the following wording:

"e. if the design is not a design within the meaning of Article 2 (1) (a);"
"f. if the design is in conflict with a prior design which has been made available to the public after the date of filing of the application or, if priority is claimed, the date of priority, and which is protected from a date prior to the said date by a registered Community design or an application for a registered Community design or by a design right of the Member State concerned, or by an application for such a right".

2. Article 16 (2) of Presidential Decree 259/1997 will be replaced with the following text:

"The ground of refusal provided for in paragraph 1(f) may be invoked solely by the applicant for or the holder of the conflicting right". As for the rest the provisions of Article 15 (2) of Law 1733/1987 will apply accordingly".

3. Paragraph 5 will be added to Article 16 of Presidential Decree 259/1997 with the following wording:

"When a design has been declared invalid pursuant to Article 16 (1), the design may be registered or the design right maintained in an amended form, if in that form it complies with the requirements for protection and the identity of the design is retained. Registration or maintenance in an amended form may include registration accompanied by a partial disclaimer by the holder of the design right or entry in the design Register of a court decision declaring the partial invalidity of the design right."

Article 7
(Article 15 of Directive 98/71/EC)

A new Article 29A will be added after Article 29 of Presidential Decree 259/1997 with the following wording:

"Exhaustion of rights
The rights conferred by a design right upon registration will not extend to acts relating to a product in which a design included within the scope of protection of the design right is incorporated or to which it is applied, when the product has been put on the market in the Community by the holder of the design right or with his consent."

Article 8

The provisions hereof will enter into force as of 28 October 2001, when in accordance with Article 19 (1) of Directive 98/71/EC Member States must bring into force the laws, regulations or administrative provisions necessary to comply with this Directive.

We hereby assign to the Minister of Development to see to the publication and implementation of this Presidential Decree.

JOINT MINISTERIAL DECISION No 14113/EFA/3850/23.12.2002

Amendment to the joint ministerial decision No 12149/EFA/2248 (GG B 1240/11.10.2000) "Awards and financial support to inventors"

THE MINISTERS
FOR ECONOMY AND FINANCE -
DEVELOPMENT

Having regard to the following:

1. Provisions in Article 20, par. 4 of Law 1733/1987 on "Transfer of technology, inventions, technological innovation and setting up of Greek Atomic Energy Commission" (GG 171, A).

2. Provisions of Law 1558/1985 on "Government and government bodies" (GG 13, A).

3. Provisions of PD 27/1996 on "Merging of the ministry for tourism, the ministry for industry, energy and technology, and the ministry for commerce into the ministry for development" (GG 19, A/1.2.1996);

4. The need to amend the Joint Ministerial Decision 12149/EFA/2248 (GG B, 1240) currently in force with regard to the awards and the financial support of inventors aiming to simplify procedures for further promoting the country's technological and industrial development.

5. The fact that provisions in this decision entail no expenditure under the national budget, we hereby decide:

Article 1
Inventions Evaluation Committee

1. An Inventions Evaluation Committee shall be set up within the Industrial Property Organisation (OBI) to give its opinion regarding awards and commendations to inventors residing in Greece permanently, under the provisions of the present joint ministerial decision.

2. OBI's Director General shall make recommendations to the Committee. Under such capacity, OBI's Director General can request OBI's assistance in the drawing up of such recommendations.

3. Any decisions by the committee entailing expenditure for OBI shall solely be enforced if the corresponding credit is provided for in OBI's budget.

4. The Committee's proposals shall be submitted for approval to the minister for development and must be justified in line with the criteria set out in this decision.

Article 2
Composition -
operation of the committee

1. The Inventions Evaluation Committee shall be appointed by decision of the minister for development for a four-year term.

The mandate of all of the Committee's members may be renewed.

2. The Inventions Evaluation Committee shall consist of seven members, namely:

a. the President of the Committee, who shall be a leading figure in the scientific and/ or business sector(s) of recognised repute in the field of technological development.

b. the Vice-President of the Committee, an experienced technology scientist who shall substitute for the President in case the latter is unable to perform his duties.

c. five members qualified in innovation, among which a science expert, an attorney-at-law and a scientist experienced in innovation funding. An alternate shall be appointed for each member of the Committee.

1. OBI shall provide secretarial services to the Committee.

2. Inventions Evaluation Committee shall be deemed to establish a quorum where the President or the Vice-President and three Committee members with a voting right are present. The Committee's decisions shall be taken by majority of the members present. In case of a tie the President or, in case of absence the Vice-President, shall have the casting vote.

3. Alternate members of the Committee shall participate in the Committee's procedures without a voting right, where the members for which they substitute are present.

4. The President, Vice-President, members and alternate members of the Committee shall be entitled to a fee for participating in the Committee's procedures, which shall be equivalent to the fee each time applicable to OBI Board Members.

5. The Committee shall convene upon invitation by its President.

6. Natural persons reporting to or participating in the management or shareholders in legal persons, as referred to in the patent applications or the patents and being part of the evaluation procedure.

Article 3
Publication procedure

1. The Committee shall widely publicise any invitation to inventors residing in Greece to express their interest in participating in the selection procedure.

2. Publication costs shall be borne by OBI.

Article 4
Eligibility

Eligible to participate in the present procedure shall be persons referred to as inventors in the following cases:

a. in a patent application filed with the OBI;

b. in a European patent application incorporating Greece in the identified countries;

c. In an international application incorporating Greece in the identified countries;

d. in a patent granted by the OBI;

e. in a European patent entered in the national stage of the procedure in Greece and provided that all of the below conditions are fulfilled:

a. at the time of filing an application for a Greek or European patent or at the time of filing an international application applicants were permanently residing in Greece;
b. a term of five years has not elapsed from the date priority was invoked in the relevant application or from the date such application was filed, if no priority was invoked therein; and
c. the relevant application has been published or the patent has been granted.

Article 5
Filing the application

1. The application to participate in the inventions evaluation procedure shall be filed with the OBI. The committee's secretary shall give a receipt for the filing of the application to participate in the evaluation procedure.

2. The Committee shall specify the deadlines, timeframe and the manner in which applications shall be filed as well as the contents of the application, inter alia:

a. inventor's application to participate in the procedure, in which his full details shall be stated;

b. reference to the elements defining the invention;

The applicant may submit within the deadline, as specified by the Committee any other information which shall also be taken into consideration by the latter during the evaluation procedure.

Article 6

Evaluation procedure

1. To evaluate the inventions the committee shall examine the inventive step of the specific invention and assess the extent to which it could contribute to the country's technological and industrial development.

2. To assess the inventive step the Committee shall examine the research reports drawn up either under Article 8 in L. 1733/1987 as part of patent granting procedure by the OBI or under L. 1607/1986 (GG 85, A) as part of the European patent granting procedure by the European Patent Office (EPO) or under L. 1883/1990 (GG 45, A) as part of the processing of international application filed with the World Intellectual Property Organization (WIPO).

3. Among the inventions referred to in the applications under Article 5, par. 2 of the present Joint Ministerial Decision the Committee shall select those which it shall deem as a) containing a special inventive step, and b) presenting significant prospects to contribute to the country's technological and industrial development, and shall subsequently draw up a ranking list.

4. Evaluation of inventions carried out by the Committee shall not be related to the developments of any administrative procedures before national or other Industrial Property authorities.

Article 7

Awards – Commendations

1. Upon recommendation by OBI's Director General and where funds are provided for in the budget of the Organisation's corresponding financial year, the Committee may suggest awards for the inventions appearing on the short list under Article 6, par. 3 hereof. The number of inventions for which an award is provided cannot be more than eight.

2. The pecuniary amount corresponding to each of the above mentioned awards shall be set to a maximum of €10,000.

3. The Committee may propose commendations for inventions appearing on the list under Article 6, par. 3 hereof and which shall not be granted an award.

4. The Committee shall draw up a proposal in which it shall state the inventions eligible for an award or a commendation, the pecuniary amount corresponding to such awards and the names of inventors to be granted the above awards and commendations. The proposal shall be submitted for approval to the minister for development. The minister for development shall accept or reject the Committee's proposals as he shall see fit.

5. Where an invention has been implemented jointly by more inventors, the award or commendation shall be granted to inventors who have signed the application to participate in the evaluation procedure under Article 5.

6. In principle, the award procedure shall be held every two years, upon the Committee's decision and following invitation by OBI's Director General.

7. The minister for development shall present winners with the awards at a ceremony to be prepared by the OBI. The ceremony costs shall be borne by the OBI.

Article 9

Transitional provisions/Entry into force

1. The Committee's term, as set out in Decision Ref. No. 11135/EFA/2300 dated July 26 2001 by the minister for development under Article 3 of the joint ministerial decision 12149/EFA/2248 (GG B, 1240), continues to apply.

2. This decision shall replace joint ministerial decision 12149/EFA/2248 (GG B, 1240).

3. This decision shall enter into force upon its publication in the Government Gazette.

4. Following publication of this decision presentation of the awards shall take place upon invitation to convene a session of the Committee by OBI's Director General.

This decision shall be published in the Government Gazette.

COMMISSION REGULATION (EC) No 1891/2004, of 21 October 2004

"Laying down provisions for the implementation of Council Regulation (EC) No 1383/2003concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights"

THE COMMISSION
OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights [1], and in particular Article 20 thereof,

Whereas:

1. Regulation (EC) 1383/2003 introduced common rules with a view to Prohibiting the entry, release for free circulation, exit, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods, and to dealing effectively with the illegal marketing of such goods without impeding the freedom of legitimate trade.

2. Since Regulation (EC) 1383/2003 replaced Council Regulation (EC) 3295/94 of 22 December 1994 laying down measures concerning the entry into the Community and the export and re-export from the Community of goods infringing certain intellectual property rights [2], it is also necessary to replace Commission Regulation (EC) 1367/95 [3], which laid down provisions for the implementation of Regulation (EC) 3295/94.

3. For the different types of intellectual property rights, it is necessary to define the natural and legal persons who may represent the holder of a right or any other person authorised to use the right.

4. It is necessary to specify the nature of the proof of ownership of intellectual property required under the second subparagraph of Article 5(5) of Regulation (EC) 1383/2003.

5. In order to harmonise and standardise the content and format of applications for action under Article 5(1) and (4) of Regulation (EC) 1383/2003 and the information to be entered on the application form, a standardised version of the form should be established. The language requirements for applications for action under Article 5(4) of the Regulation should also be laid down.

6. The type of information to be included in applications for action should be specified in order to enable the customs authorities to recognise more readily goods that may infringe an intellectual property right.

7. It is necessary to define the type of right-holder liability declaration which must accompany the application for action.

8. In the interests of legal certainty, it is necessary to specify when the time periods laid down in Article 13 of Regulation (EC) 1383/2003 commence.

9. Procedures should be laid down for the exchange of information between Member States and the Commission, so that it is possible, on the one hand, for the Commission to monitor the effective application of the procedure laid down by Regulation (EC) 1383/2003, to draw up in due course

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[1] *OJ L 196, 2.8.2003, p. 7*
[2] *OJ L 341, 30.12.1994, p. 8. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1)*
[3] *OJ L 133, 17.6.1995, p. 2. Regulation as last amended by the 2003 Act of Accession*.

the report referred to in Article 23 thereof and to try to quantify and describe patterns of fraud, and, on the other hand, for the Member States to introduce appropriate risk analysis.

10. This Regulation should apply from the same date as Regulation (EC) 1383/2003.

11. The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of Article 2(2)(b) of Regulation (EC) 1383/2003, hereinafter 'the basic Regulation', the right-holder or any other person authorised to use the right may be represented by natural or legal persons.

The persons referred to in the first paragraph shall include collecting societies which have as their sole or principal purpose the management or administration of copyrights or related rights; groups or representatives who have lodged a registration application for a protected designation of origin or a protected geographical Indication; and plant breeders.

Article 2

1. If an application for action within the meaning of Article 5(1) of the basic Regulation is lodged by the right-holder himself, the proof required under the second subparagraph of Article 5(5) shall be as follows:

a. in the case of a right that is registered or for which an application has been lodged, proof of registration with the relevant office or proof that the application has been lodged;

b. in the case of a copyright, related right or design right which is not registered or for which an application has not been lodged, any evidence of authorship or of the applicant's status as original holder.

A copy of registration from the database of a national or international office may be considered to be proof for the purposes of point (a) of the first subparagraph.

For protected designations of origin and protected geographical indications, the proof referred to in point (a) of the first subparagraph shall, in addition, consist in proof that the right-holder is the producer or group and proof that the designation or indication has been registered. This subparagraph shall apply *mutatis mutandis* to wines and spirits.

2. Where the application for action is lodged by any other person authorised to use one of the rights referred to in Article 2(1) of the basic Regulation, proof shall, in addition to the proof required under paragraph 1 of this Article, consist in the document by virtue of which the person is authorised to use the right in question.

3. Where the application for action is lodged by a representative of the right-holder or of any other person authorised to use one of the rights referred to in Article 2(2) of the basic Regulation, proof shall, in addition to the proof referred to in paragraph 1 of this Article, consist in his authorisation to act.

A representative, as referred to in the first subparagraph, must produce the declaration required pursuant to Article 6 of the basic Regulation, signed by the persons referred to in paragraphs 1 and 2 of this Article, or a document authorising him to bear any costs arising from customs action on their behalf in accordance with Article 6 of the basic Regulation.

Article 3

1. The documents on which applications for action are made pursuant to

Article 5(1) and (4) of the basic Regulation, the decisions referred to in Article 5(7) and (8) and the declaration required pursuant to Article 6 of the basic Regulation must conform with the forms set out in the Annexes to this Regulation.

The forms shall be completed by electronic or mechanical means, or legibly by hand. Handwritten forms shall be completed in ink and in block capitals. Whatever method is used, forms shall contain no erasures, overwritten words or other alterations. Where the form is filled in electronically, it shall be made available to the applicant in digital form on one or more public sites that are directly accessible by computer. It may subsequently be reproduced on private printing equipment.

Where additional sheets are attached, as referred to in boxes 8, 9, 10 and 11 of the form on which the application for action provided for in Article 5(1) is to be made out, or in boxes 7, 8, 9 and 10 of the form on which the request for action provided for in Article 5(4) is to be made out, they shall be deemed to be an integral part of the form.

2. Forms for applications for action under Article 5(4) of the basic Regulation shall be printed and completed in one of the official languages of the Community designated by the competent authorities of the Member State in which the application for action has to be submitted, together with any translations that may be required.

3. The form shall be made up of two copies:

a. the copy for the Member State in which the application is lodged, marked '1';

b. the copy for the right–holder, marked '2'.

The application forms, duly completed and signed, accompanied by one extract of the form for each Member State indicated in box 6 of the form, as well as the documentary proof referred to in boxes 8, 9 and 10, shall be presented to the competent customs department, which, after accepting the form, shall retain it for at least one year longer than its legal period of validity.

If the extract of a decision granting an application for action is addressed to one or more Member States pursuant to Article 5(4) of the basic Regulation, the Member State which receives the extract shall complete without delay the 'acknowledgement of receipt' section of the form by indicating the date of receipt and shall return a copy of the extract to the competent authority indicated in box 2 of the form.
So long as his application for Community action remains valid, the right-holder may, in the Member State where the application was originally lodged, enter a request for action to be taken in another Member State not previously mentioned. In such cases, the period of validity of the new application shall be the period remaining under the original application, and it may be renewed In accordance with the conditions applying to the original application.

Article 4

For the purposes of Article 5(6) of the basic Regulation, the place of manufacture or production, the distribution network or names of licensees and other information may be requested by the department responsible for receiving and processing applications for action in order to facilitate the technical analysis of the products concerned.

Article 5

If an application for action is lodged in accordance with Article 4(1) of the basic Regulation before expiry of the time limit of three working days and accepted by the customs service designated for that purpose, the time limits

referred to in Articles 11 and 13 of that Regulation shall be counted only from the day after the application is received.

If the customs service informs the declarant or holder of goods that the goods are suspected of infringing an intellectual property right and that, pursuant to Article 4(1) of the basic Regulation, they have been detained, or their release suspended, the time limit of three working days shall be counted only from the time the right-holder is notified.

Article 6

In the case of perishable goods, the procedure for suspension of release or for detention of the goods shall be initiated primarily in respect of products for which an application for action has already been lodged.

Article 7

1. Where Article 11(2) of the basic Regulation applies, the right-holder shall notify the customs authority that proceedings have been initiated to determine whether, under national law, an intellectual property right has been infringed. Except in the case of perishable goods, if insufficient time remains to apply for such proceedings before the expiry of the time-limit laid down in the first subparagraph of Article 13(1) of the basic Regulation, the situation may be deemed an appropriate case within the meaning of the second subparagraph of that provision.

2. If an extension of ten working days has already been granted under Article 11 of the basic Regulation, no further extension may be granted under Article 13 thereof.

Article 8

1. Each Member State shall inform the Commission as soon as possible of the competent customs department, referred to in Article 5(2) of the basic Regulation, responsible for receiving and processing applications for action from right-holders.

2. At the end of each calendar year, each Member State shall send the Commission a list of all the written applications for action under Article 5(1) and (4) of the basic Regulation, giving the name and details of each right-holder, the type of right for which each application was submitted, and a summary description of each product concerned. The applications that have not been granted shall be included in that list.

3. In the month following the end of each quarter, each Member State shall send the Commission a list, by product type, giving detailed information on the cases in which the release of goods has been suspended or goods have been detained. The information shall include the following details:

a. the name of the right-holder; a description of the goods; if known, the origin, provenance and destination of the goods; the name of the intellectual property right infringed;

b. for each item, the quantity of goods whose release was suspended or which were detained; their customs status; the type of intellectual property right infringed; the means of transport used;

c. whether commercial or passenger traffic was involved and whether the procedure was initiated *ex officio* or as the result of an application for action.

4. The Member States may send the Commission information concerning the real or estimated value of the goods for which release has been suspended or which have been detained.

5. At the end of every year, the Commission shall, in an appropriate manner, communicate to all Member

States such information as it receives pursuant to paragraphs 1 to 4.

6. The Commission shall publish the list of departments within the customs authority, as referred to in Article 5(2) of the basic Regulation, in the C series of the *Official Journal of the European Union*.

Article 9

Applications for action lodged before 1 July 2004 shall remain valid until their legal expiry date and shall not be renewed. However, they must be accompanied by the declaration required under Article 6 of the basic Regulation, the model for which is set out in the Annexes to this Regulation. The declaration shall release any deposit and fee payable in the Member States. Where proceedings brought before the competent authority on a matter of substance before 1 July 2004 are still under way on that date, the deposit shall not be released before the close of those proceedings.

Article 10

Regulation (EC) 1367/95 is repealed. References to the repealed Regulation shall be construed as references to this Regulation.

Article 11

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2004.

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

LAW No 3396/2005 (GG 246, A, 06.10.2005)

"Ratification of the act revising the Convention on the Grant of European Patents (European Patent Convention of 5 October 1973, as amended on 17 December 1991) of 29 November 2000"

THE PRESIDENT
OF THE HELLENIC REPUBLIC

Hereby issues the following law as adopted by the Parliament:

Article 1

The Act revising the Convention on the Grant of European Patents of 5 October 1973, as amended on 17 December 1991), signed in Munich on 29 November 2000 and whose original text in the English and French languages and its translated Greek version are as follows is hereby ratified:

Article 2

The Industrial Property Organisation (OBI) shall be responsible for the implementation of this law. OBI has adopted the full text of the European Convention, as drawn up by the European Patent Organisation.

Article 3

This law shall enter info force upon its publication in the Government Gazette and ratification of the Act, as results from fulfilment of conditions under Article 8 therein.

JOINT MINISTERIAL DECISION DYG3(a) No 83657 (GG 59 B' of 24.01.2006)

on the "Harmonisation of Greek legislation with the equivalent community legislation in the fields of production and marketing of medicines for human use, in compliance with Directive 2001/1983/EC on "the Community Code relating to medicinal products for human use", as amended by Directives 2004/27/EC, 2004/24/EC on traditional herbal medicinal products and Article 31 of Directive 2002/1998/EC on the adoption of standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components"

THE MINISTERS
FOR ECONOMY AND FINANCE –
FOR HEALTH AND SOCIAL
SOLIDARITY

Having regard to the following:

1. Provisions:

a. Article 1, par. 1, 2 and 3 and Article 3 of law 1338/1983 "Application of community law" (GG A 34), as amended by Article 6 of law 1440/1984 "Participation of Greece in equity, reserves and provisions of the European Coal and Steel Community and of the EURATOM Supply Agency (GG 70, A') and Article 65 of law 1982/1990 (GG A 101);

b. Articles 14, par. 4 and 2, par. 1 and 2 of law 1338/1983 (GG A 34), as the latter was amended by provisions in Article 1 of law 1965/1991 (GG A 146) "Amendment and supplement to the applicable provisions of the National Organization for Medicines (EOF)" and other provisions;

c. Article 10, par. 1 of law 1965/1991 (GG A 146);

d. Articles 47 and 48 of law 3370/2005 1965/1991 (GG A 176);

e. Article 90 of presidential decree 63/2005 "Codification of legislation regarding government and government bodies" (GG A 98).

2. EOF BoD proposal No. 0-613/15th/25.7.2005;

3. Joint decision of the Prime Minister and of the minister for health and social solidarity No. 27304/17.3.2004 on "Assignment of responsibilities to the under-Secretaries for health and social solidarity."

4. Directive 2001/1983/EC on "the Community Code relating to medicinal products for human use", as amended by Directives 2004/27/EC, 2004/24/EC.

5. The fact that provisions in this decision entail no expenditure under the national budget, we hereby decide:

Article 11

Paragraph 6

Performance of studies and tests required to implement paragraphs 1, 2, 3 and 4 and related practical requirements are not deemed contrary to the patent rights or supplementary protection certificates for medicinal products.

COMMISSION REGULATION (EC) No 1172/2007 of 5 October 2007

"Amending Commission Regulation (EC) No 1891/2004 of 21 October 2004 laying down provisions for the implementation of Council Regulation (EC) 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights"

THE COMMISSION
OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights [1], and in particular Article 20 thereof,

Whereas:

1. Regulation (EC) No 1383/2003 provides for action by the customs authorities in respect of goods suspected of infringing certain intellectual property rights.

2. Commission Regulation (EC) No 1891/2004 [2] lays down provisions for the implementation of Regulation (EC) No 1383/2003, in particular as regards the application for action forms. Annexes I and II to that Regulation contain the models showing the required format of such application forms.

3. Annexes I-C and II-C to Regulation (EC) No 1891/2004 contain the list of competent authorities to which applications for national and Community action respectively must be submitted. Article 8 of the Regulation provides that the Commission must publish the list of departments within the customs authority, as referred to in Article 5(2) of Regulation (EC) No 1383/2003, in the C series of the *Official Journal of the European Union*. As the lists in Annexes I-C and II-C contain information that is subject to change and needs to be regularly updated, it is more appropriate to publish them in the C series of the *Official Journal of the European Union*. Annexes I-C and II-C to Regulation (EC) No 1891/2004 should therefore be deleted.

4. On 1 January 2007 Bulgaria and Romania acceded to the European Union. Regulation (EC) No 1891/2004 should therefore be adapted to include reference to these countries in the Community application for action form which it contains.

5. The Community application for action form should have been adapted by Commission Regulation (EC) No 1792/2006 of 23 October 2006 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement of persons, competition policy, agriculture (veterinary and phytosanitary legislation), fisheries, transport policy, taxation, statistics, social policy and employment, environment, customs union and external relations by reason of the accession of Bulgaria and Romania[3], which entered into force on the date of the entry into force of the Treaty of Accession of these countries.

6. In the interests of consistency, the Community application for action form should be adapted from the date of accession of Bulgaria and Romania.

[1] *OJ L 196, 2.8.2003, p. 7.*

[2] *OJ L 328, 30.10.2004, p. 16.*

[3] *OJ L 362, 20.12.2006, p. 1.*

7. Regulation (EC) No 1891/2004 should therefore be amended accordingly.

8. The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1891/2004 is hereby amended as follows:

1. In Annex I, in box 2 of the national application for action (AA) form, the words '(see Annex I-C for details)' are deleted.

2. Annex I-C is deleted.

3. Annex II is replaced by the text in the Annex to this Regulation.

4. In Annex IIA, in the final sentence, the words 'listed in Annex II-C' are deleted.

5. Annex II-C is deleted.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

However, Article 1(3) shall apply from 1 January 2007.

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

MINISTERIAL DECISION No 11475 EFA 2388
(GG B' 1165/25.06.2008)

"Submission of an application with the OBI for a six-month extension of the duration of the supplementary protection certificate for paediatric pharmaceuticals"

THE MINISTERS
OF THE NATIONAL ECONOMY –
OF DEVELOPMENT –
AND OF HEALTH AND SOCIAL SOLIDARITY

Having taken into consideration:

1. The provisions of Article 1 and 2, para. 1 (g) and (i) 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'), in combination with the provisions of Article 1 of Law 1965/1991 (Government Gazette A 146).

2. Law 945/1979 on "Ratification of the Treaty of accession of Greece to the European Economic Community" (Government Gazette A 170/27.7.1979).

3. The provisions of Article 1 par 2 of Law 1733/1987 'Transfer of technology, inventions, and technological innovation, and setting up of an Atomic Energy Commission' (Government Gazette A 171/22.9.1987).

4. The provisions of the second Article of Law 2077/1992 'Ratification of the Treaty on the European Union and the respective protocols and declarations included in the final act" (Government Gazette A 136).

5. The provisions 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 (GG 33/A/25-2-1988).

6. Presidential Decree no. 248/89 "Organization of General Secretariat for Research and Technology" (Government Gazette A 116/10.5.1989), as amended by Presidential Decree no. 179/92 (Government Gazette A 81/26.5.1992), Presidential Decree no. 147/94 (Government Gazette A 99/4.7.1994) and Presidential Decree no. 128/97 (Government Gazette A 115/9.6.1997).

7. Presidential Decree no 27/1996 "Merger of the Ministries of Tourism, Industry, Energy and Technology and Commerce into the Ministry of Development" (Government Gazette A 19/1.2.1996) and Presidential Decree no. 122/2004 "Re-establishment of the Ministry of Tourism" (Government Gazette A 85/17.3.2004).

8. The provisions of article 90 of the Code ratified by the first article of Presidential Decree no. 63/2005 "Codification of Law on Government and Government Bodies" (Government Gazette A 98/22.4.2005).

9. Presidential decree no. 206/2007 "Appointment of Ministers and Deputy Ministers" (Government Gazette A 232/19.9.2007).

10. Regulation (EEC) 1768/92 of the Council of 18 June 1992 (EU No. L 182/1 of 2 July 1992).

11. Regulation (EC) no 1901/2006 of the European Parliament and of the Council of 12 December 2006 on medicinal products for paediatric use and amending Regulation (EEC) No 1768/92, Directive 2001/20/EC, Directive 2001/83/EC and Regulation

(EC) No 726/2004 (EU no. L378/1 of 27 December 2006).

12. Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (EU No. L 136, 30.04.2004).

13. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (EU no. L311, 28.11.2001) as amended of late with Directive 2004/27/EC (EU L 136, 30.4.2004).

14. The fact that no charge on the state budget is created by the provisions of the present decision.

15. The minutes of meeting no. 14/13.11.2007 of OBI's BoD, we have determined:

PART ONE

GENERAL PROVISIONS

Article 1
Purpose

The purpose of this decision is to determine the procedure for the granting of a six-month extension of the duration of the supplementary protection certificate referred to in Article 13 paragraphs 1 and 2 of the Regulation (EEC) 1768/1992 for paediatric pharmaceuticals as products that are protected by a supplementary protection certificate based on Regulation (EEC) no. 1768/1992 or the patent certificate that fulfils the pre-requisites for granting a supplementary protection certificate.

Article 2
Definitions

For the implementation of this decision, the following phrases shall have the following meanings:

a. "Regulation (EEC) 1768/92": Regulation (EEC) 1768/92 of the Council of the European Union of 18 June 1992 'in relation to the introduction of a supplementary protection certificate for pharmaceuticals' (EU No. L 182/1 of 2 July 1992).

b. "Regulation (EC) no 1901/2006": Regulation (EC) no 1901/2006 of the European Parliament and of the Council of 12 December 2006 on medicinal products for paediatric use and amending Regulation (EEC) No 1768/92, Directive 2001/20/EC, Directive 2001/83/EC and Regulation (EC) No 726/2004 (EU no. L378/1 of 27 December 2006).

c. "Regulation (EC) No 726/2004": Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (EU No. L 136, 30.04.2004).

d. "Directive 2001/83/EC": Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (EU no. L311, 28.11.2001) as amended lately with Directive 2004/27/EC (EU L 136, 30.4.2004).

e. "Ministerial Decision no. 14905/EFA 3058": Ministerial Decision no. 14905/EFA 3058 regarding the submission of an application with the OBI for the granting of a supplementary protection certificate for pharmaceuticals (Government Gazette 1162 B of 30.12.1997).
f. "OBI": the Industrial Property Organisation, which has its registered office in Athens (Article 1 of Law 1733/1987).

g. "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.

h. "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 in force in Greece in accordance with Article 23 of Law 1733/87.

i. "Certificate": the supplementary protection certificate, which is granted for pharmaceuticals from the OBI in accordance with the terms of Article 7 of Ministerial Decision no. 14905/EFA 3058.

j. "Marketing authorisation permit": the marketing authorisation permit is issued for a pharmaceutical that is intended for human use, which exclusively covers therapeutic indications that are important for the paediatric population or its subtotal and which is issued in application of Regulation no. (EC) 1901/2006 and is governed by the provisions of Regulation (EC) no. 726/2004 or Directive 2001/83/EC.

PART TWO

BENEFICIARIES
APPLICATION PROCEDURE –
APPLICATION CONTENT

Article 3
Right of application for extension

The right of applying for an extension of the duration of the supplementary protection certificate for pharmaceuticals, granted in accordance with Article 7 of Ministerial Decision no. 14905/EFA/3058, belongs to the certificate beneficiary as well as his general or special successors.
[Term (27), Regulation (EC) 1901/2006]

Article 4
Competent authority

The competent authority for the submission and approval of the extension for the duration of the certificate's validity shall be the Industrial Property Organisation (OBI).
[Article 52 para. 4 a) Regulation (EC) 1901/2006]

Article 5
Application submission

1. For the extension of the duration of the protection certificate of Article 7 of the Ministerial Decision 14905/ EFA/ 3058 and in application of Article 36 of Regulation (EC) 1901/2006, an application must be submitted to the OBI.

2. The application of paragraph 1, is submitted to the OBI either together with the application of a supplementary protection certificate for pharmaceuticals, or after having applied for a supplementary protection certificate and up until it is granted in accordance with Articles 5, 6 and 7 of the Ministerial Decision no. 14905/EFA/3058.
(Article 52 para. 2(3) Regulation (EC) 1901/2006)

3. In the event that the OBI has already granted the certificate, in accordance with Article 7 of the Ministerial Decision no. 14905/EFA/3058, the application referred to in paragraph 1 is submitted to the OBI not later than two years before the expiry of the respective certificate.
(Article 52 para. 2(4) Regulation (EC) 1901/2006)

4. Notwithstanding paragraph 3 above, for five years following the entry into force of Regulation (EC) 1901/2006, that is the 26th January 2012, the application for an extension of the duration of a certificate already granted shall be submitted not later than six months before the expiry of the certificate.
(Article 52 para. 2(5) Regulation (EC) 1901/2006)

Article 6
Application content

1. The application referred to in Article 5 above of the present decision is submitted in two copies and contains:

a. the particulars cited in Article 8 of Regulation (EEC) 1768/92.

b. a copy of the statement indicating compliance with an agreed completed paediatric investigation plan as referred to in Article 36(1) of Regulation (EC) 1901/2006.

c. proof that the pharmaceutical in question has authorisations to place the product on the market of all other Member States, as referred to in Article 36(3) of Regulation (EC) 1901/2006.
(Article 52 para 3(a) Regulation (EC) 1901/2006)

d. if a certificate is pending before the OBI, reference on the application that has already been submitted.

e. If a certificate has already been granted, a copy of the certificate already granted by the OBI.
(Article 52 para 3(b) Regulation (EC) 1901/2006)

2. In addition to the details of paragraph 1 of the present Article, the application shall be annexed with documents legalising the person submitting them, in the case of a legal person and the receipt of the duty collected by the OBI with respect to submitting the application for extension of the certificate's duration.

3. Should the terms of paragraph 1 of the present article be fulfilled, the submission of the application is accepted. In this event, the application shall be deemed regular; it shall be given a submission date and entered into the OBI Reports Register.
4. As to the submission and drafting of documents before the OBI, 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 7
Additional information

1. Within four months from regular submission and after written notice from the OBI, the applicant must submit to the OBI any missing information and supporting documents in accordance with Article 6, paragraphs 1 and 2 of the present Joint Ministerial Decision. In this event, the application shall be deemed complete.

2. If after the lapse of the time-limit of paragraph 1 above of this article, the OBI establishes that the data of the application have not been completed, the application shall be rejected.
(Article 52 para 5 Regulation (EC) 1901/2006)

PART THREE

CERTIFICATE - PUBLICATION

Article 8
Granting of a certificate

If the application is complete and regular in accordance with Articles 6 and 7 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 extension of duration of the certificate.
(Article 52 para 5 Regulation (EC) 1901/2006)

2. In the event where the application for extension has been submitted together with the application for a supplementary protection certificate for pharmaceuticals or where an application for a certificate is pending before the OBI, the certificate granted by the OBI shall contain an indication of the application for an extended duration of the certificate. The certificate for the

extension of the duration of the certificate is granted separately.
(Article 52 para 4 (c) Regulation (EC) 1901/2006)

3. After the granting of the certificate, third parties may seek information and copies of the application and of the additional information, which have been submitted.

4. The OBI shall, without fail, notify the National Pharmaceuticals Organisation of the granting of the certificate.

Article 9
Publication

The extension of the duration of the certificate shall be published in the Industrial Property Bulletin.

The publication of the certificate shall mandatorily refer the details of Article 11, para. 1 of Regulation (EEC) 1768/92.

In the event of the application is rejected by the OBI in accordance with Article 7, 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 with an indication that the application concerns the extension of the duration of the certificate.
(Article 52 para 6 Regulation (EC) 1901/2006)

PART FOUR

RIGHTS FROM THE EXTENSION OF THE CERTIFICATE – DURATION - DUTIES

Article 10
Right of content

The extension of 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 11
Extension period

On implementation of Article 36 of Regulation (EC) 1901/2006, the duration of the certificate shall be extended by six months after the expiry of the scheduled time-frame of the certificate in accordance with Article 13 of the Regulation (EC) 1768/1992.
(Article 52 para 7 Regulation (EC) 1901/2006)

Article 12
Revocation of an extension of the duration

The extension of the duration may be revoked if it was granted contrary to the provisions of Article 36 of Regulation (EC) 1901/2006. In this event, Article 15 of Law 1733/1987 shall be implemented mutatis mutandis.

The revocation shall be published in the Industrial Property Bulletin.
(Article 52 para 8 Regulation (EC) 1901/2006)

Article 13
Duties

A duty shall be payable to the OBI upon application for the extension of the duration of a certificate.
(Article 52 para 3 (c) Regulation (EC) 1901/2006)

The amount of the duty shall be determined by a decision of the OBI Board of Directors.

PART FIVE

FINAL PROVISIONS

Article 11
Effective date

This decision shall enter in effect upon its publication with the Government's Gazette.
This decision is to be published in the Government's Gazette.

MINISTERIAL DECISION No 10374/GG B' 1594, 04.08.09

"Procedure of search report or final search report drawing by the Industrial Property Organization (OBI)"

THE MINISTER OF DEVELOPMENT

With regard to:

1. Presidential Decree no 27/1996 (Government Gazette A 19/1.2.1996) "Merger of the Ministries of Tourism, Industry, Energy and Technology and Commerce into the Ministry of Development" and Presidential Decree no. 122/2004 "Re-establishment of the Ministry of Tourism" (Government Gazette A 85/17.3.2004).

2. Presidential Decree no. 248/89 "Organization of General Secretariat for Research and Technology" (Government Gazette A 116/10.5.1989), as amended by Presidential Decree no. 179/92 (Government Gazette A 81/26.5.1992), Presidential Decree no. 147/94 (Government Gazette A 99/4.7.1994) and Presidential Decree no. 128/97 (Government Gazette A 115/9.6.1997).

3. The provisions of article 90 of the Code ratified by the first article of Presidential Decree no. 63/2005 "Codification of Law on Government and Government Bodies" (Government Gazette A 98/22.4.2005).

4. The provisions of article 8 par. 3, 9 and 10 of Law no. 1733/1987 "Transfer of technology, inventions, technological innovations and establishment of the Greek Atomic Energy Commission" (Government Gazette A 171/22.9.1987).

5. Presidential Decree no. 4/09 "Nomination of Ministers, Alternate Minister and Deputy Ministers (Government Gazette A 2/8.1.2009).

6. The cooperation agreement between the European Patent Organization and the Greek Industrial Property Organization signed in Munich, on 22 October 2008, along with the implementing provisions supplementing it.

7. The fact that from the provisions hereof no burden is generated on the state budget.

8. The minutes of the meeting no. 13/31.10.2008 of OBI's Administrative Council regarding the "Final cooperation agreement between OBI and EPO".

WE HEREBY DECIDE:

CHAPTER ONE

GENERAL PROVISIONS

Article 1

Purpose

The purpose of this decision is to define the process for search report or final search report drawing by the OBI, as well as to draw remarks or brief explanatory comments accompanying them.

Article 2

Application scope

This Ministerial Decision applies to the applications for grant of patents filed with OBI, in application of article 5 et seq. of Law no. 1733/1987 "Transfer of technology, inventions, technological innovation and establishment of Greek Atomic Energy Commission" (Government Gazette 171, A).

Article 3
Definitions

For the implementation of this decision, the following phrases shall have the following meanings:

a. Law 1733/1987 shall be the Law 1733/1987 "Transfer of technology, inventions, technological innovation and establishment of Greek Atomic Energy Commission" (Government Gazette 171, A), as applicable.
b. “OBI” shall be the Industrial Property Organization having its registered office in Athens (article 1 of Law 1733/1987).

c. “Ministerial Decision 15928/EFA/ 1253”, shall be the Ministerial Decision no. 15928/EFA/ 1253 “Filing of application for the grant of patents or utility model certificates with OBI and keeping of record books” (Government Gazette 778 B dated 31.12.1987).

d. “Patent” shall be the certificate granted by OBI in accordance with article 8 of Law 173/87 (Government Gazette 171, A).

e. “Revision Act” shall be the Revision Act of the Convention on European Patents (European Patent Convention of 5 October 1973, amended on 17 December 1991) of 29 November 2000 which was ratified by Greece with the Law no. 3396/2005 (Government Gazette 246, A).

f. “EPO” shall be the European Patent Office as defined in the Convention and the Revision Act.

g. “Convention 2000” shall be the consolidated text of the European Convention along with the Revision Act, as published in the Official Journal of the EPO (No 1/2007).

h. “Cooperation Agreement” shall be the Cooperation Agreement between the European Patent Organization and the Greek Industrial Property Organization signed in Munich, on 22 October 2008.

i. “Implementing provisions” shall be the implementing provisions for the examination instructions of EPO, as well as the international research and preliminary examination instructions for the drawing of search reports and written opinions on the Greek applications for patents' granting by the European Patent Office signed in Munich on 22 October 2008, which supplement the "Cooperation Agreement".

CHAPTER TWO

SEARCH REPORT DRAWING PROCESS

Article 4

Competent Authority

1. In application of article 8 of Law no.1733/1987, the authority that is competent to draw any type of search reports or final search reports shall be OBI.

2. During elaboration of these types of search reports, OBI may request the EPO, on its account, to conduct searches that are necessary for drawing the search reports in application of the Cooperation Agreement.

Article 5

Search Report or Final Search Report

1. For any application for patent granting, OBI shall draw a report that is based on the invention’s description, the claims and the drawings attached, stating all details of the current state of the art that are necessary for assessing the new character and the inventive step of the invention. In this case, such report shall be called simple search report (SSR).

2. In application of article 8 para. 6 of Law 1733/1987, OBI, based on the applicant's comments, shall draw, following the search report of the aforementioned paragraph, a final search report.

Article 6
Search report with a written opinion or final search report with a written opinion

1. In application of article 8 par. 3 of Law no. 1733/1987, the search report drawn by OBI may be accompanied by remarks or brief explanatory comments referring to the invention features, namely the new character of the invention, its inventive step and the industrial application potential. In this case, such search report shall be called search report with a written opinion (SRWO).

2. In application of article 8 para. 6 of Law no. 1733/1987, OBI, based on the applicant's remarks, shall draw, following the search report with a written opinion of the aforementioned paragraph, a final search report with a written opinion.

Article 7
Methods for drawing the search report with a written opinion

The search report with a written opinion shall be drawn by OBI pursuant to the applicable implementing provisions of the instructions for examination before the EPO. Such instructions shall be attached hereto and constitute integral part hereof.

Article 8
Statement of the applicant

1. The person applying for patent granting shall state before OBI, within four months from the filing of the application, whether (s)he chooses a simple search report (SSR) or a search report with a written opinion (SRWO) and shall pay the relevant fees.

2. In case of non-timely payment of fees, article 8 par. 4 of Law 1733/1987 shall apply.

CHAPTER THREE

FINAL PROVISIONS

Article 9
Transitional Provision

1. For patent granting applications filed with OBI and accepted for filing until 31.08.2009, OBI shall draw simple search reports (SSR).

2. Search reports with a written opinion (SRWO) shall be drawn in case of patent granting applications filed with OBI and accepted for filing as of 1 September 2009 and afterwards, if stated by the applicant, in accordance with article 8 of this Ministerial Decision.

Article 10
Effective date

This decision shall enter in effect upon its publication with the Government's Gazette.

This decision is to be published in the Government's Gazette.

Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009

"Concerning the supplementary protection certificate for medicinal products"

(Codified version)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee [1],

Acting in accordance with the procedure laid down in Article 251 of the Treaty [2],

Whereas:

1. Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products [3] has been substantially amended several times [4]. In the interests of clarity and rationality the said Regulation should be codified.

2. Pharmaceutical research plays a decisive role in the continuing improvement in public health.

3. 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.

4. At the moment, the period that elapses between the filing of an application for a patent for a new medicinal product and authorisation 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.

5. This situation leads to a lack of protection which penalises pharmaceutical research.

6. There exists a risk of research centres situated in the Member States relocating to countries that offer greater protection.

7. 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 create obstacles to the free movement of medicinal products within the Community and thus directly affect the functioning of the internal market.

8. Therefore, the provision 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 product for which marketing authorization has been granted is necessary. A regulation is therefore the most appropriate legal instrument.

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[1] OJ C 77, 31.3.2009, p. 42.

[2] Opinion of the European Parliament of 21 October 2008 (not yet published in the Official Journal) and Council Decision of 6 April 2009.

[3] OJ L 182, 2.7.1992, p. 1.

[4] See Annex I

9. The duration of the protection granted by the certificate should be such as to provide adequate effective protection. 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 product in question first obtains authorization to be placed on the market in the Community.

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

11. 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,

HAVE ADOPTED THIS REGULTION:

Article 1

Definitions

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

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 such, 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;

d. "certificate" means the supplementary protection certificate;

e. "application for an extension of the duration" means an application for an extension of the duration of the certificate pursuant to Article 13(3) of this Regulation and Article 36 of Regulation (EC) 1901/2006 of the European Parliament and of the Council of 12 December 2006 on medicinal products for paediatric use [1].

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 authorisation procedure as laid down in Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use [2] or Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products [3] may, under the terms and conditions provided for in this Regulation, be the subject of a certificate.

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[1] *OJ L 378, 27.12.2006, p. 1.*

[2] *OJ L 311, 28.11.2001, p. 67.*

[3] *OJ L 311, 28.11.2001, p. 1.*

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 2001/83/EC or Directive 2001/82/EC, as appropriate;

c. the product has not already been the subject of a certificate;

d. the authorization referred to in point (b) is the first authorization to place the product 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.

3. The application for an extension of the duration may be made when lodging the application for a certificate or when the application for the certificate is pending and the appropriate requirements of Article 8(1)(d) or Article 8(2), respectively, are fulfilled.

4. The application for an extension of the duration of a certificate already granted shall be lodged not later than two years before the expiry of the certificate.

5. Notwithstanding paragraph 4, for five years following the entry into force of Regulation (EC) No 1901/2006, the application for an extension of the duration of a certificate already granted shall be lodged not later than six months before the expiry of the certificate.

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 authorisation to place the product on the market, as referred to in Article 3(b) and, if this authorisation is not the first authorisation for placing the product on the market in the Community, the number and date of that authorisation;

b. a copy of the authorisation to place the product on the market, as referred to in Article 3(b), in which the product is identified, containing in particular the number and date of the authorisation and the summary of the product characteristics listed in Article 11 of Directive 2001/83/EC or Article 14 of Directive 2001/82/EC;

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

d. where the application for a certificate includes a request for an extension of the duration:

(i) a copy of the statement indicating compliance with an agreed completed paediatric investigation plan as referred to in Article 36(1) of Regulation (EC) No 1901/2006;

(ii) where necessary, in addition to the copy of the authorisation to place the product on the market as referred to in point (b), proof of possession of authorisations to place the product on the market of all other Member States, as referred to in Article 36(3) of Regulation (EC) No 1901/2006.

2. Where an application for a certificate is pending, an application for an extended duration in accordance with Article 7(3) shall include the particulars referred to in paragraph 1(d) of this Article and a reference to the application for a certificate already filed.

3. The application for an extension of the duration of a certificate already granted shall contain the particulars referred to in paragraph 1(d) and a copy of the certificate already granted.

4. Member States may provide that a fee is to be payable upon application for a certificate and upon application for the extension of the duration of 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 authorisation 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.

The application for an extension of the duration of a certificate shall be lodged with the competent authority of the Member State concerned.

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;

f. where applicable, an indication that the application includes an application for an extension of the duration.

3. Paragraph 2 shall apply to the notification of the application for an extension of the duration of a certificate already granted or where an application for a certificate is pending. The notification shall additionally contain an indication of the application for an extended duration of the certificate.

Article 10

Grant of the certificate or rejection of the application for a certificate

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.

6. Paragraphs 1 to 4 shall apply mutatis mutandis to the application for an extension of the duration.

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).

3. Paragraphs 1 and 2 shall apply to the notification of the fact that an extension of the duration of a certificate has been granted or of the fact that the application for an extension has been rejected.

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.

3. The periods laid down in paragraphs 1 and 2 shall be extended by six months in the case where Article 36 of Regulation (EC) No 1901/2006 applies. In that case, the duration of the period laid down in paragraph 1 of this Article may be extended only once.

4. Where a certificate is granted for a product protected by a patent which, before 2 January 1993, had its term extended or for which such extension was applied for, under national 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.

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 2001/83/EC or Directive 2001/82/EC. The authority referred to in Article 9(1) of this Regulation 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

Revocation of an extension of the duration

1. The extension of the duration may be revoked if it was granted contrary to the provisions of Article 36 of Regulation (EC) No 1901/2006.

2. Any person may submit an application for revocation of the extension of the duration to the body responsible under national law for the revocation of the corresponding basic patent.

Article 17

Notification of lapse or invalidity

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

2. If the extension of the duration is revoked in accordance with Article 16, notification thereof shall be published by the authority referred to in Article 9(1).

Article 18

Appeals

The decisions of the authority referred to in Article 9(1) or of the bodies referred to in Articles 15(2) and 16(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 19

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 the national 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.

Article 20

Additional provisions relating to the enlargement of the Community

Without prejudice to the other provisions of this Regulation, the following provisions shall apply:

a. any medicinal product protected by a valid basic patent and for which the first authorization to place it on the market as a medicinal product was obtained after 1 January 2000 may be granted a certificate in Bulgaria, provided that the application for a certificate was lodged within six months from 1 January 2007;

b. any medicinal product protected by a valid basic patent in the Czech Republic and for which the first authorization to place it on the market as a medicinal product was obtained:

(i) in the Czech Republic after 10 November 1999 may be granted a certificate, provided that the application for a certificate was lodged within six months of the date on which the first market authorisation was obtained;

(ii) in the Community not earlier than six months prior to 1 May 2004 may be granted a certificate, provided that the application for a certificate was lodged within six months of the date on which the first market authorization was obtained;

c. any medicinal product protected by a valid basic patent and for which the first authorization to place it on the market as a medicinal product was obtained in Estonia prior to 1 May 2004 may be granted a certificate, provided that the application for a certificate was lodged within six months of the date on which the first market authorization was obtained or, in the case of those patents granted prior to 1 January 2000, within the six months provided for in the Patents Act of October 1999;

d. any medicinal product protected by a valid basic patent and for which the first authorization to place it on the market as a medicinal product was obtained in Cyprus prior to 1 May 2004 may be granted a certificate, provided that the application for a certificate was lodged within six months of the date on which the first market authorization was obtained; notwithstanding the above, where the market authorization was obtained before the grant of the basic patent, the application for a certificate must be lodged within six months of the date on which the patent was granted;

e. any medicinal product protected by a valid basic patent and for which the first authorization to place it on the market as a medicinal product was obtained in Latvia prior to 1 May 2004 may be granted a certificate. In cases where the period provided for in Article 7(1) has expired, the possibility of applying for a certificate shall be open for a period of six months starting no later than 1 May 2004;

f. any medicinal product protected by a valid basic patent applied for after 1 February 1994 and for which the first authorisation to place it on the market as a medicinal product was obtained in Lithuania prior to 1 May 2004 may be granted a certificate, provided that the application for a certificate was lodged within six months from 1 May 2004;

g. any medicinal product protected by a valid basic patent and for which the first authorisation to place it on the market as a medicinal product was obtained after 1 January 2000 may be granted a certificate in Hungary, provided that the application for a certificate was lodged within six months from 1 May 2004;

h. any medicinal product protected by a valid basic patent and for which the first authorization to place it on the market as a medicinal product was obtained in Malta prior to 1 May 2004 may be granted a certificate. In cases where the period provided for in Article 7(1) has expired, the possibility of applying for a certificate shall be open for a period of six months starting no later than 1 May 2004;

i. any medicinal product protected by a valid basic patent and for which the first authorization to place it on the market as a medicinal product was obtained after 1 January 2000 may be granted a certificate in Poland, provided that the application for a certificate was lodged within six months starting no later than 1 May 2004;

j. any medicinal product protected by a valid basic patent and for which the

first authorization to place it on the market as a medicinal product was obtained after 1 January 2000 may be granted a certificate in Romania. In cases where the period provided for in Article 7(1) has expired, the possibility of applying for a certificate shall be open for a period of six months starting no later than 1 January 2007;

k. any medicinal product protected by a valid basic patent and for which the first authorization to place it on the market as a medicinal product was obtained in Slovenia prior to 1 May 2004 may be granted a certificate, provided that the application for a certificate was lodged within six months from 1 May 2004, including in cases where the period provided for in Article 7(1) has expired;

l. any medicinal product protected by a valid basic patent and for which the first authorization to place it on the market as a medicinal product was obtained in Slovakia after 1 January 2000 may be granted a certificate, provided that the application for a certificate was lodged within six months of the date on which the first market authorization was obtained or within six months of 1 July 2002 if the market authorization was obtained before that date.

Article 21

Transitional provisions

1. This Regulation shall not apply to certificates granted in accordance with the national legislation of a Member State before 2 January 1993 or to applications for a certificate filed in accordance with that legislation before 2 July 1992.

With regard to Austria, Finland and Sweden, this Regulation shall not apply to certificates granted in accordance with their national legislation before 1 January 1995.

2. This Regulation shall apply to supplementary protection certificates granted in accordance with the national legislation of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Poland, Slovenia and Slovakia prior to 1 May 2004 and the national legislation of Romania prior to 1 January 2007.

Article 22

Repeal

Regulation (EEC) No 1768/92, as amended by the acts listed in Annex I, is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 23

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.

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

ANNEX I

REPEALED REGULATION WITH LIST OF ITS SUCCESSIVE AMENDMENTS

(referred to in Article 22)

Council Regulation (EEC) No 1768/92 (OJ L 182, 2.7.1992, p. 1)

Annex I, point XI.F.I, of the 1994 Act of Accession (OJ C 241, 29.8.1994, p. 233)

Annex II, point 4.C.II, of the 2003 Act of Accession (OJ L 236, 23.9.2003, p. 342)

Annex III, point 1.II, of the 2005 Act of Accession (OJ L 157, 21.6.2005, p. 56)

Regulation (EC) No 1901/2006 of the European Parliament and of the Council (OJ L 378, 27.12.2006, p. 1) | Only Article 52

ANNEX II

CORRELATION TABLE

Regulation (EEC) No 1768/92 | This Regulation |

Recital 1

Recital 1 | Recital 2

Recital 2 | Recital 3

Recital 3 | Recital 4

Recital 4 | Recital 5

Recital 5 | Recital 6

Recital 6 | Recital 7

Recital 7 | Recital 8

Recital 8 | Recital 9

Recital 9 | Recital 10

Recital 10

Recital 11

Recital 12

Recital 13 | Recital 11

Article 1 | Article 1

Article 2 | Article 2

Article 3, introductory wording | Article 3, introductory wording

Article 3, point (a) | Article 3, point (a)

Article 3, point (b), first sentence | Article 3, point (b)

Article 3, point (b), second sentence

Article 3, points (c) and (d) | Article 3, points (c) and (d)

Articles 4 to 7 | Articles 4 to 7

Article 8(1) | Article 8(1)

Article 8(1a) | Article 8(2)

Article 8(1b) | Article 8(3)

Article 8(2) | Article 8(4)

Articles 9 to 12 | Articles 9 to 12

Article 13(1), (2) and (3) | Article 13(1), (2) and (3)

Articles 14 and 15 | Articles 14 and 15

Article 15a | Article 16

Articles 16, 17 and 18 | Articles 17, 18 and 19

Article 19

Article 19a, introductory wording | Article 20, introductory wording

Article 19a, point (a), points (i) and (ii) Article 20, point (b), introductory wording, points (i) and (ii)

Article 19a, point (b) | Article 20, point (c)

Article 19a, point (c) | Article 20, point (d)

Article 19a, point (d) | Article 20, point (e)

Article 19a, point (e) | Article 20, point (f)

Article 19a, point (f) | Article 20, point (g)

Article 19a, point (g) | Article 20, point (h)

Article 19a, point (h) | Article 20, point (i)

Article 19a, point (i) | Article 20, point (k)

Article 19a, point (j) | Article 20, point (l)

Article 19a, point (k) | Article 20, point (a)

Article 19a, point (l) | Article 20, point (j)

Article 20 | Article 21

Article 21

Article 22 | Article 13(4)

Article 22

Article 23 | Article 23

Annex I

Annex II

LAW No 3842/GG A' 58/23.04.2010

"Restoring tax justice, addressing tax evasion and other provisions"

THE PRESIDENT OF THE HELLENIC REPUBLIC

We hereby adopt the following law voted for by the Hellenic Parliament:

.....

CHAPTER G. TAX INCENTIVES FOR DEVELOPMENT

.....

Article 71
Tax Incentives for Patents

1. The profits of a company from the sale of the products it has manufactured using a patent, internationally acknowledged in the name of the company and developed by it, shall be exempted from the income tax for three consecutive years, starting from the year during which income was collected for the first time from the sale of the aforementioned products. The exemption shall be also granted when the products are manufactured in third party's facilities. Moreover, it also applies to profits coming from the provision of services, when it regards exploitation of a patent, also internationally acknowledged.

2. By decision of the Minister of Education, Life-long Training and Religious Affairs, the company that is subject to the provisions of this Article for the specific product or type of service produced or provided, as the case may be, shall be approved following a request submitted to the competent service of the aforementioned Ministry.

3. Tax exempted profits shall appear in a tax-exempt reserves' account and be calculated based on the net profits stated based on the timely submitted income tax statement, are deduced from the books kept, appear in the balance sheet and come from all the company's activities, after deducting profits that are exempted from the income tax and the profits from the participation in other companies, the deductions stipulated for forming the statutory reserves and the year profits actually distributed or undertaken by the partners or the entrepreneur, as well as tax-exempt discounts for investments provided for by development laws.

In case of sociétés anonymes and limited liability companies, the statutory reserves and the distributed profits shall be reduced to a mixed amount by the addition of the tax applicable to them. In case of companies keeping B Class books, pursuant to the Greek Code on Books and Records, the reserve shall be formed from the net profits stated in the initial statement, after deducting profit taking. When the company collects income not falling under the provisions hereof, the profits exempted from taxation shall be the part of the aforementioned profits corresponding to the income from the sale of the products or the provision of the services cited in paragraph 1.

4. The tax-exempt reserves formed pursuant to the previous paragraph shall be subject to taxation under the general provisions of the Code on Income Taxation, by the part each time distributed, capitalized or undertaken.

5. By a joint decision of the Minister for Finance and the Minister for Education, Life-Long Training and Religious Affairs, the patent certification bodies, the conditions, the terms, the procedure and any other necessary details for the application of the provisions hereof shall be determined. If such decision is not issued, the provisions hereof shall not enter in effect.

6. The provisions hereof shall apply to sales of products or provision of services falling under this Article and taking place from 1st January 2010 and thereafter,

Ministerial Decision No 11970/B0012/POL.1203/10 (GG 2147 B/31.12.2010)

"Determination of terms, prerequisites and procedures regarding the implementation of the provisions of article 71 'Patent tax incentives' of Law No 3842/2010 (GG A/58/23.4.2010)"

THE MINISTERS OF ECONOMY - EDUCATION, LIFELONG LEARNING & RELIGIOUS AFFAIRS

With regard to:

1. The provisions:
a) Of article 52 "Establishment of general secretariats" and b) of article 90 "Examination of the expenses incurred by the regulative administrative acts" of the "Legislative Code on Government and Government Bodies" as ratified by the first article of PD 63/05 "Codification of the legislation on the Government and Government Bodies" (GG A/98/22.4.2005).

2. The provisions of the article 71 "Patent tax incentives" of Law No. 3842/2010 (GG A/58/23.4.2010).

3. Law No. 1733/87 "Transfer of Technology, inventions, technological innovations and establishment of the Greek Atomic Energy Commission" (GG A/171/22.9.1987) through which a private law legal entity is established operating under the name "Industrial Property Organization (OBI)", as amended, complemented and in force.

4. PD No. 77/88 "Provisions of the implementation of the Convention on Grant of European Patents as ratified by Law No. 1607/1986" (GG A/33/25.2.1988).

5. PD No. 248/89 "Organization of the General Secretariat for Research and Technology" (GG A/116/10.5.1989) as amended by PD No. 179/92 (GG A/81/ 26.5.1992), PD 147/94 (GG A/99/4.7.1994) and PD 128/97 (GG A/115/9.6.1997).

6. PD 185/09 "Re-establishment of the Ministry of Economy, merger of the Ministry of Economy and Finance with the Ministry of Development and the Ministry of Mercantile Marine, Aegean and Island Policy and its renaming to "Ministry of Economy, Competitiveness and Shipping", conversion of the Ministry of Macedonia-Thrace to the General Secretariat of Macedonia-Thrace under the administration of the Ministry of Interior of the General Secretariat –Thrace and the General Secretariat of Aegean and Island Policy" (GG A/213/ 7.10.2009).

7. PD 187/09 "Appointment of Ministers and Deputy Ministers" (GG A/214/7.10.2009)

8. PD 189/09 "Determination and reallocation of competencies of the Ministries" (GG A/221/5.11.2009) as amended by PD 24/10 "Redetermination of the competencies of the Ministries and amendments of PD No. 189/2009" (GG A 56/15.4.2010).

9. Mutual Decision No. D6A1142500 EX2010/26-10-2010 (GG B/1725/3-11-2010) by the Prime Minister and Minister of Economy regarding the reallocation of competencies to the Deputy Minister of Economy, Dimitrios Kouselas, we decide:

APPROVAL OF ENTERPRISE FALLING UNDER ARTICLE 71 OF THE LAW 3842/2010.

1. For the needs of the article 71 of Law No. 3842/2010, an "internationally recognized patent" is defined as one which has been granted and falls under at least one of the following cases:

a. European Patent that is granted by the European Patent Office (EPO) and has been consolidated in Greece.

b. Patent Certificate consolidated by the Industrial Property Organization (OBI) (excluded the Utility Model Certificates), which has also been consolidated in one more countries, a) that has acceded to the European Patent Convention (EPC) or collaborates in framework, or b) that is a member of the OECD or an accession candidate country or an enhanced engagement country.
Patent Certificates must be valid at least until the last usage date for which the income tax exemption has been requested.

2. The Industrial Property Organisation (OBI), which was founded with the article 1 of Law 1733/87, shall be the certification body of the internationally recognized and valid patents.

3. The provisions of the article 71 of Law No. 3842/2010 also concern newly-established or subordinate enterprises to which the founder, shareholder or partner (natural or legal entity) contribute an internationally recognized patent, during their establishment or increase of their share or company capital, pursuant to the provisions herein.
The valuation of the contribution shall be conducted by the commission of the article 9 of Legislative Law 2190/ 1920.

4. When the internationally recognized patent concerns a part or component of the manufactured product, this patent must contribute to the cost that represents the product's manufacturing materials, at a rate of thirty per cent (30%) and more.

5. The application for compliance is submitted by the interested enterprise to the General Secretariat of Research and Technology of the Ministry of Education, Lifelong Learning and Religious Affairs, which forwards it onto OBI. After thoroughly examining the adduced supporting documentation, OBI ascertains that for the manufacture of the product or the rendering of a service, the internationally recognized patent has been used during the year that the enterprise presented income for the first time due to the sale of products or the rendering of services. It also ascertains that the internationally recognized patent has been developed by the enterprise, pursuant to the provisions herein and it issues a justified positive or negative pronouncement, which it forwards to the General Secretariat of Research and Technology for an approbated or rejected decision to be issued by the Minister of Education, Lifelong Learning and Religious Affairs. For this process, OBI may also use external experts.
The adduced supporting documentation, which must be legally attested, includes a copy of the Patent Certificate as well as its validity certification or a receipt of paid fees to the competent patent office for the uses that the tax exemption is requested. Documents pertaining from a foreign country must bear the Apostille stamp (Hague Convention, 5 October 1961), according to the provisions of Law No. 1497/1984 (A 188) or a confirmation by the Greek Consular or Diplomatic Authority.
The examination process concerning the prerequisites for compliance to article 71 of Law No. 3842/2010, incurs a fee which is levied by OBI and is determined by the decision of OBI's Administrative Council. No application will be accepted if it is not accompanied by a fee payment slip. In case of rejection of the application, the fee is not refunded.
The applicant enterprise must present all necessary evidence to prove that all preconditions of the law and the present decision are met.

6. The decision granted by the Ministry of Education, Lifelong Learning and Religious Affairs will include the name of the enterprise that shall fall under the provisions of article 71 of Law No. 3842/2010; the product or service that is manufactured or rendered, respec-

tively; as well as the uses for which the above mentioned regulation is valid.

Furthermore, the decision will be notified to the Public Economy Service that the enterprise belongs.

This decision to be published in the Government Gazette.

LAW No 3966 (GG 118 A', 24.05.2011)

"Institutional framework of Model Pilot Schools, Establishment of an Institute of Educational Policy, Organisation of the Institute of Computer Technology and Publications 'DIOFANTOS' and other provisions"

THE PRESIDENT
OF THE HELLENIC REPUBLIC

Hereby issues the following law that was adopted by the Hellenic Parliament:

CHAPTER D'
MATTERS RELATING TO
INDUSTRIAL PROPERTY

Article 53
Harmonisation of the national law with Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights

1. Paragraph 1 of article 17 of Hellenic Law 1733/1987 (published in Hellenic Government Gazette A' 171) is replaced as follows:

"1. In any case of an infringement or threatened infringement of a copyright, the holder of such copyright (rightholder) may request the lifting of the infringement and its omission in the future. The lifting of the infringement may include, on application by the rightholder, indicatively and not restrictively, (a) the recall of the goods that were found to be infringing a right provided for under the present law and, as in appropriate cases, materials principally used in the creation or manufacture of these goods from the channels of commerce, (b) the definitive removal of these goods and materials from the channels of commerce or (c) the destruction of these goods and materials in accordance with paragraph 5. In considering the application of the previous clause, the need for proportionality between the seriousness of the infringement and the remedies ordered, as well as the interests of third parties, shall be taken into account. The measures provided for under the second clause are carried out at the expense of the infringer, unless particular reasons are invoked for not doing so. The rightholder may also exercise the rights provided for under the first clause of the present paragraph against intermediaries whose services are used by a third party to infringe the rights provided for under the present law (articles 10 and 11 of Directive 2004/ 48/EC). For each act of omission contributing to an infringement, the court may impose a monetary penalty of up to ten thousand (10,000.00) Euros in favour of the rightholder, while in all other cases article 947 of the Hellenic Code of Civil Procedure shall apply. In establishing the infringement of the obligation not to act provided for under the preceding clause, the procedure provided for under articles 686 et seq. of the Hellenic Code of Civil Procedure is applied."

2. Articles 17A, 17B, 7C, 17D, 17E, 17F, and 17G are added after article 17 of Hellenic Law 1733/1987 (published in Hellenic Government Gazette A' 171) as follows:

Article 17A
(Articles 6 and 8 of Directive 2004/48/EC)
Evidence and right of information

1. When a party has presented reasonably available evidence sufficient to support its claims of infringement or threat of infringement of the rights provided for under this law, and has, in substantiating those claims, specified evidence which lies in the control of the opposing party, the court may order, on application by the party, that

such evidence be presented by the opposing party. The existence of a substantial number of copies, the other circumstances of the case having been considered, shall be considered to constitute reasonable evidence. If a party is summoned to produce the evidence provided for under the first clause and unjustifiably fails to produce such evidence, the claims of the party that sought the production or communication of such evidence shall be considered as confessed.

2. Under the conditions provided for under the first clause of the previous paragraph, in the case of infringement committed on a commercial scale, the court may also order, on application by a party, the notification of banking, financial or commercial documents in the control of the opposing party. The existence of a substantial number of copies, the other circumstances of the case having been considered, shall be considered to constitute reasonable evidence of an infringement on a commercial scale. If a party is summoned to produce the documents provided for under the first clause and unjustifiably fails to produce such evidence, the claims of the party that sought the production or communication of such evidence shall be considered as confessed.

3. In any case, the court shall ensure the protection of confidential information.

4. In response to a justified request of the party, considered by the court as to its proportionality, which is filed with the action or and on its own within the context of a case concerning an infringement of rights provided for under the present law, the president of the multi-member court or the judge of the single-member court, trying pursuant to the proceedings provided for under articles 686 et seq. of the Hellenic Code of Civil Procedure, may, prior to the hearing of the case, order that information on the origin and distribution networks of the goods or services which infringe a right provided for under this law be provided by the infringer. The same may be ordered against any other person who (a) was found in possession of the infringing goods on a commercial scale, (b) was found to be using the infringing services on a commercial scale, (c) was found to be providing on a commercial scale services used in infringing a right or (d) was indicated by the person referred to in point (a), (b) or (c) as being involved in the production, manufacture or distribution of the goods or the provision of the services. Any party that unjustifiably violates an order of the court as provided for under the present paragraph shall be sentenced to pay, in addition to the legal costs, a monetary penalty of up to one hundred thousand (100,000.00) Euros, which shall be deposited in a public fund.

5. The information referred to in paragraph 4 shall, as appropriate, comprise (a) the names and addresses of the producers, manufacturers, distributors, suppliers and other previous holders of the goods or services, as well as the intended wholesalers and retailers, (b) information on the quantities produced, manufactured, delivered, received or ordered, as well as the price obtained for the goods or services in question.

6. Paragraphs 4 and 5 shall apply without prejudice to other provisions which (a) grant the rightholder rights to receive fuller information, (b) govern the use in civil or criminal proceedings of the information communicated pursuant to paragraphs 2 and 3 of this article, (c) govern responsibility for misuse of the right of information, or (d) afford an opportunity for refusing to provide information which would force the person referred to in paragraph 4 to admit to his/her own participation or that of his/her close relatives in an in-

fringement of rights provided for under this law or (e) govern the protection of confidentiality of information sources or the processing of personal data.

7. If the party responsible to provide information provides inaccurate information intentionally or with negligence, he/she is liable for damages that were caused for this reason.

Article 17B
(Articles 7 and 9 of Directive 2004/48/EC)
Precautionary evidence and other injunction measures

1. In case of alleged infringement of a right protected under this law, the Single-Member Court of First Instance shall order, as an injunction measure, the precautionary seizure of items in the possession of the alleged infringer that constitute means of commitment or product or evidence of the infringement. Instead of precautionary seizure, the court may order the detailed description of such items, including the taking of photographs. In cases provided for under the present paragraph, paragraph 1 of article 687 of the Hellenic Code of Civil Procedure shall be applied and, as appropriate, a provisional order shall be issued pursuant to paragraph 2 of article 691 of the Hellenic Code of Civil Procedure.

2. The court may issue against the alleged infringer injunction measures intended to prevent any imminent infringement of the rights provided for under this law or to forbid, on a provisional basis and subject, where appropriate, to a penalty payment provided for under article 947 of the Hellenic Code of Civil Procedure the continuation of the infringement, for each infringement or continuation of the infringements of such rights. In ascertaining that the conditions for the activation of the obligation to pay a monetary penalty have been met, pursuant to the injunction measure ordered or the relative provision of paragraph 2 of article 691 of the Hellenic Code of Civil Procedure, the procedure provided for by articles 686 et seq. of the Hellenic Code of Civil Procedure shall apply. The court may make such continuation subject to the lodging of guarantees intended to ensure the compensation of the rightholder. The court may also order the precautionary seizure or judicial sequestration of the goods suspected of infringing rights provided for under this law so as to prevent their entry into or movement within the channels of commerce.

3. In the case of an infringement committed on a commercial scale, the court may order, as an injunction measure, the precautionary seizure of the property of the alleged infringer, including the blocking of his bank accounts. To that end, the court may order any holder of such relevant information to communicate bank, financial or commercial documents, or ensure appropriate access to the relevant information.

4. The decision on the injunction measures referred to in paragraphs 2 and 3 may, in appropriate cases, be taken without the defendant having been heard as provided for under paragraph 1 of article 687 of the Hellenic Code of Civil Procedure, in particular where any delay would cause irreparable harm to the rightholder. In that event, the decision or the order of the court is not notified to the defendant before or during its enforcement, it shall be notified on the first business day following the enforcement, otherwise, any relevant procedural acts shall be null and void.

5. In the cases of paragraphs 1, 2 and 3, the court may make the measures subject to the lodging by the applicant of a security determined in the decision or provisional order or/and without

a security and shall specify a time limit for the lodging of the action for the main case as provided for under paragraph 1 of article 693 of the Hellenic Code of Civil Procedure, which cannot exceed thirty (30) days. If no action is lodged within said time limit, the injunction measure shall be lifted ipso jure.

6. The court shall order injunction measures or precautionary evidence without needing to specify the evidence proving the infringement or threat of infringement, only to determine such evidence on a category basis.

7. In respect of paragraphs 1 to 6, the court shall have the authority to require the applicant to provide any reasonably available evidence in order to conclude, on the basis of sufficient information, that the applicant is the rightholder and that the applicant's right is being infringed, or that such infringement is imminent.

8. Where the injunction measures provided for under this article are revoked due to any act or omission by the applicant or where it is subsequently found that there has been no infringement or threat of infringement of the rights provided for under this law, the court may order the applicant, if he acted abusively, upon request of the defendant, to provide the defendant appropriate compensation for any injury caused by those measures.

Article 17C
(Article 12 of Directive 2004/48/EC)
Alternative measures

On application by the person liable to be subject to the measures provided for under articles 17A and 17B, the court may order pecuniary compensation to be paid to the injured party instead of applying the aforementioned measures if that person acted unintentionally or without negligence, if execution of the measures in question would cause him disproportionate harm and if pecuniary compensation to the injured party appears reasonably satisfactory.

Article 17D
(Articles 13, 14 and 15 of Directive 2004/48/EC)
Damages, legal costs and publication of judicial decisions

1. On application by the injured party, the court may order the infringer who knowingly, or with reasonable grounds to know, engaged in an infringing activity, to pay the rightholder damages appropriate to the actual prejudice suffered by him as a result of the infringement of his right. In setting the compensation the court (a) shall take into account all appropriate aspects, such as the negative economic consequences, including lost profits, which the injured party has suffered, any unfair profits made by the infringer and, in appropriate cases, elements other than economic factors, such as the moral prejudice caused to the rightholder by the infringement, or (b) as an alternative to clause (a), may, in appropriate cases, set the compensation as a lump sum on the basis of elements such as at least the amount of royalties or fees which would have been due if the infringer had requested authorisation to use the infringed right.

2. In the cases provided for under the present law, the general legal costs and expenses shall mandatorily include any other relative expenditure reasonably incurred by the successful party, such as witness costs, attorney fees, fees of the experts and technical consultants of the parties and expenses for finding the infringers. In all other cases, the provisions set forth in articles 173 et seq. of the Hellenic Code of Civil Procedure shall apply.

3. The court, on application by the party, may allow it to publish all or part of the decision concerning rights protected under the present law in the media or on the internet at the expense of the unsuccessful party.

Article 17E
(Articles 17 and 19 of Directive 2004/48/EC)
Codes of conduct and Exchange of information

1. The interested trade or professional associations develop codes of conduct aimed at contributing on a national, Community or international level towards the enforcement of the rights provided for under the present law. The codes of conduct and any evaluations of the application of these codes of conduct are submitted to the Commission of the European Union.

2. The Industrial Property Organisation is designated the national correspondent for any question relating to the rights provided for under the present law.

Article 17F
(Article 4 of Directive 2004/48/EC)
Persons entitled to apply for the application of measures

The application of the measures provided for under paragraph 1 of article 17 and articles 17A, 17B, 17C, 17D and 17E may also be sought by:

a. all other persons authorised to use those rights, in particular licensees, in accordance with the provisions in force.

b. professional defence bodies that are regularly recognised as having a right to represent holders of intellectual property rights, in accordance with the provisions in force.

Article 17G
Application on other industrial property rights

Paragraph 1 of article 17 and articles 17A, 17B, 17C, 17D, 17E and 17F also apply to the protection of holders of an entitlement to a supplementary protection certificate for medicinal products and supplementary protection certificate for plant protection products, holders of statements of extension of the force of a supplementary protection certificate for paediatric medicines and holders of entitlements to plant varieties, designations of origin and geographical indications."

3. Paragraph 1 of article 17 of Hellenic Presidential Decree 45/1991 (published in Hellenic Government Gazette A' 24) is replaced as follows:

"1. In any case of an infringement or threatened infringement of exclusive rights that emanate from a protected topography, the holder of such topography (rightholder) may request the lifting of the infringement and its omission in the future. The lifting of the infringement may include, on application by the rightholder, indicatively and not restrictively, (a) the recall of the goods that were found to be infringing a right provided for under the present decree and, as in appropriate cases, materials principally used in the creation or manufacture of these goods from the channels of commerce, (b) the definitive removal of these goods and materials from the channels of commerce or (c) the destruction of these goods and materials. In considering the application of the previous clause, the need for proportionality between the seriousness of the infringement and the remedies ordered, as well as the interests of third parties, shall be taken into account. The measures provided for under the second clause are carried out at the expense of the infringer, unless particular reasons are invoked for not doing so. The rightholder may also exercise the rights provided for under the first clause of the present

paragraph against intermediaries whose services are used by a third party to infringe the rights provided for under the present law (articles 10 and 11 of Directive 2004/48/EC). For each act of omission contributing to an infringement, the court may impose a monetary penalty of up to ten thousand (10,000.00) Euros in favour of the rightholder, while in all other cases article 947 of the Hellenic Code of Civil Procedure shall apply. In establishing the infringement of the obligation not to act provided for under the preceding clause, the procedure provided for under articles 686 et seq. of the Hellenic Code of Civil Procedure is applied."

4. Paragraph 3 of article 17 of Hellenic Presidential Decree 45/1991 (published in Hellenic Government Gazette A' 24) is replaced as follows:

"The provisions set forth in paragraphs 3, 4, 5, 6 and 7 of article 17 of Hellenic Law 1733/1987, as well as those set forth in articles 17A to 17F of the same law, are accordingly applied."

5. Paragraph 1 of article 28 of Hellenic Presidential Decree 259/1997 (published in Hellenic Government Gazette A' 185) is replaced as follows:

"1. In any case of an infringement or threatened infringement of a registered design or specimen, the holder of such design or specimen (rightholder) may request the lifting of the infringement and its omission in the future. The lifting of the infringement may include, on application by the rightholder, indicatively and not restrictively, (a) the recall of the goods that were found to be infringing a right provided for under the present law and, as in appropriate cases, materials principally used in the creation or manufacture of these goods from the channels of commerce, (b) the definitive removal of these goods and materials from the channels of commerce or (c) the destruction of these goods and materials. In considering the application of the previous clause, the need for proportionality between the seriousness of the infringement and the remedies ordered, as well as the interests of third parties, shall be taken into account. The measures provided for under the second clause are carried out at the expense of the infringer, unless particular reasons are invoked for not doing so. The rightholder may also exercise the rights provided for under the first clause of the present paragraph against intermediaries whose services are used by a third party to infringe the rights provided for under the present law (articles 10 and 11 of Directive 2004/48/EC). For each act of omission contributing to an infringement, the court may impose a monetary penalty of up to ten thousand (10,000.00) Euros in favour of the rightholder, while in all other cases article 947 of the Hellenic Code of Civil Procedure shall apply. In establishing the infringement of the obligation not to act provided for under the preceding clause, the procedure provided for under articles 686 et seq. of the Hellenic Code of Civil Procedure is applied."

6. Paragraph 2 of article 28 of Hellenic Presidential Decree 259/1997 (published in Hellenic Government Gazette A' 185) is replaced as follows:

"The provisions set forth in paragraphs 2, 3, 4, 5, 6 and 7 of article 17 of Hellenic Law 1733/1987, as well as those set forth in articles 17A to 17F of the same law, are accordingly applied."

7. a. In cases pending at the time the present law enters into force, the procedural acts that have not been carried out are carried out in accordance with the provisions of that law.

   b. The duration of the deadlines that had begun prior to the entry into force of this law is estimated in accordance with the provisions set forth in that law only if the stipulated duration of those deadlines is greater than that provided for under the provisions that were in force.

Article 61
Entry into force

1. Article 21 and paragraph 1 of article 60 shall enter into force on the date of start-up of the Industrial Property Organisation, which is determined pursuant to paragraph 33 of article 20.

2. Sub-paragraph (h) of paragraph 2 of article 56 and paragraph 1 of article 59 shall enter into force on 1 September 2010.

3. Paragraph 2 of article 60 shall enter into force from the date of winding-up of the Hellenic Organisation for the Publication of Text Books (ΟΕΔΒ), namely 31 December 2011, pursuant to paragraph 1 of article 33.

4. Paragraph 15 of article 59 and paragraph 3 of article 60 shall enter into force on 1 January 2011.

5. All other provisions set forth in the present law shall enter into force on the date of its publication in the Hellenic Government Gazette, unless it is otherwise provided for in the distinct provisions thereof.

I hereby order the publication of the present law in the Hellenic Government Gazette and its enforcement as a law of the State.

ANNEX

LEGISLATION GOVERNING INVENTIONS, TECHNOLOGY TRANSFER, DESIGNS AND TOPOGRAPHIES OF SEMICONDUCTOR PRODUCTS [*]

1. Law 5562/1932 on the “Ratification of the Convention on International Exhibitions signed by Greece and other countries in Paris on 22 November 1928” (GG 221, A of 11.07.1932).

2. Articles 39, par. 1 and 40 of Legislative Decree 3026/1954 (GG A, 235 "On the Code for Lawyers").

3. Law 4307/1963 on the “Ratification of the multilateral agreement signed in Paris on 21 September 1960 for the mutual safeguarding of secrecy of inventions relating to defence and for which applications for patents have been made” (GG 79, A of 30.05.1963).

4. Law 4325/1963 on “Inventions relating to national defence” (GG 156, A of 27.09.1963).

5. Ministerial decision OIK 56200 of 19.10.1963 on “Inventions relating to national defence” (GG 493, B of 04.11.1964).

6. Law 213/1975 on the “Ratification of the 1883 Paris International Convention on the Protection of Industrial Property, as amended in Stockholm on 14 July 1967 (GG 258, A of 20.11.1975).

7. Law 472/1976 on the “Ratification of the Protocol signed in Paris on 30 November 1972 amending the Convention on International Exhibitions signed in Paris on 22 November 1928" (GG 305, A of 16.11.1976).

8. Law 1607/1986 on the “Ratification of the Convention on the Grant of European Patents, signed in Munich on 5 October 1973” (GG 85, A of 30.06.1986).

9. Law 1733/1987 “Transfer of technology, inventions, technological innovation and setting up of Greek Atomic Energy Commission” (GG 171, A of 22.09.1987), as in force.

10. Article 18, paragraphs a and b of the Law 1739/1987 “Management of water resources and other provisions” (GG 201, A of 20.11.1987).

11. Ministerial decision 15928/EFA/1253 of 24.12.1987 “Filing an application with OBI for the granting of a patent or utility model certificate and book keeping” (GG 778, B of 31.12.1987).

12. Presidential Decree 77/1988 “Provisions implementing the convention on the grant of European patents ratified by law 1607/1986” (GG 33, A of 25.02.1988).

13. Ministerial decision 5326/EFA/485 of 31.03.1988 “Special form for technology transfer contracts” (GG 247, B of 27.04.1988).

14. Law 1883/1990, “Ratification of the Convention on the Patent Cooperation Treaty executed in Washington D.C. on 19 June 1970 and amended on 2 October 1979 and 3 February 1984 (together with the Implementing Regulation” (GG 45, A of 29.03.1990).

15. Presidential Decree 16/1991 “Provisions implementing the convention on the patent cooperation treaty ratified by law 1883/1990” (GG 6, A of 24.01.1991).

16. Presidential Decree 45/1991 “Legal Protection of topographies of semiconductor products to comply with Council Directive 87/54/EEC of 16 December 1986, as supplemented by Council Decisions 87/532/EEC and 88/311/EEC” (GG 24, A of 01.03.1991).

17. Article 2 of Presidential Decree 54/1992 “Amendment to provision of L. 1733/1987” “Transfer of technology, inventions, technological innovation and setting up of Greek Atomic Energy Commission in compliance with the EEC Treaty” (GG 22, A of 14.02.1992).

18. Law No. 2029 “Ratification of the Agreement relating to Community Patents (together with its Annex and the Protocols attached thereto) and Protocol relating to possible amendment to terms for entry into force of the Agreements relating to Community Patents concluded in Luxembourg on 15 December 1989” (GG 55, A of 06.04.1992).

19. Council Regulation (EC) No. 1768/1992 of 18 June 1992 on “Supplementary Protection Certificate for pharmaceuticals” (EU OJ L 182/1 of 02.07.1992).

20. Presidential Decree 232/1992 “Industrial Property Organisation (OBI) exiting the public sector of 14 July 1992” (GG 120, A of 14.07.1992).

21. Law No. 2128 “Ratification of the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the purposes of Patent Procedures executed in Budapest on 28 April 1977 and renewed on 26 September 1980”, (together with the implementing Regulation) (GG 56, A of 06.04.1993).

22. Law No. 2202/1994 “Ratification of the act revising Article 63 of the Convention on the Grant of European Patents of 5 October 1973” (GG 57, A of 15.04.1994).

23. Law 2290/1995 “Ratification of the "Final Act incorporating the results of the multilateral trade negotiations within the framework of the Uruguay Round (Agreement on Trade-Related Aspects of Intellectual Property Rights [TRIPs]” (GG 28, A of 09.02.1995).

24. Presidential Decree 415/1995 “Supplement to PD 45/1991 (GG 24, A) on legal protection of topographies of semiconductor products in compliance with Council Directive 87/54/EEC of 16 December 1986 and Decision 90/510/EEC as amended by Decisions 93/17/EEC, 95/237/EC, 94/700/EC, 94/828/EC and its adaptation to provisions of the Agreement on the European Economic Area (EEA) ratified by L. 2155/1993 (GG 238, A of 16.11.1995).

25. Law No. 2359/1995 “Fiscal Consolidation of the Hellenic Industrial Development Bank S.A. (ETBA) and other provisions” (GG 241, A of 21.11.1995).

26. Regulation (EC) 240/1996 of the “Commission of 31 January 1996 on the application of Article 85, par. 3 of the Treaty to certain categories of agreements on technology transfer” (EU OJ L 31/2 of 09.02.1996).

27. Law No. 2385/1996 “Ratification of Chapter II of the Patent Cooperation Treaty concluded in Washington on 19 June 1970 and amended on 2 October 1979 and 3 February 1984 and the related rules in the Implementing Regulation of the Patent Cooperation Treaty” (GG 42, A of 07.03.1996).

28. Law No. 2417/1996 “Ratification of the Hague Agreement on international registration of industrial designs of 6 November 1925, as

revised in Hague on 28 November 1960 and Stockholm Act supplement of 14 July 1967, as amended in Stockholm on 28 September 1979" (GG 139 A of 03.07.1996).

29. Law No. 2418/1996 "Ratification of the Strasbourg Agreement on International Patent Classification of 24 March 1971, as amended on 28 September 1979" (GG 140 A of 03.07.1996).

30. Regulation (EC) No. 1610/1996 of the European Parliament and of the Council dated 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products (EU OJ L 198/30 of 08.08.1996).

31. Ministerial decision No. 30560/544 "Filing an application with OBI for the granting of a supplementary protection certificate for plant protection products (GG 665 B of 07.08.1997).

32. Law No. 2516/1997 "Establishment and operation of industrial and small business facilities and other provisions" (GG 159 A of 08.08.1997) (Article 27).

33. Presidential Decree 259/1997 "Provisions to implement the Hague Agreement on international registration of industrial designs ratified by law 2417/1996 and provisions governing national right" (GG 185 A of 19.09.1997).

34. Ministerial decision 10912/EFA/2333 "Appointment of the Board of Directors of the Industrial Property Organisation (OBI)" (GG 890 B of 08.10.1997).

34. Ministerial decision 10912/EFA/2333 "Appointment of the Board of Directors of the Industrial Property Organisation (OBI)" (GG 890 B of 09.10.1997).

35. Law No. 2557 "Institutions, measures and actions for cultural development", Article 1, par. 18 (GG 271 A of 24.12.1997).

36. Ministerial decision No. 14905/3058 "Filing an application with OBI for the granting of a supplementary protection certificate for plant protection products (GG 1162 B of 30.12.1997).

37. "Amendment to ministerial decision 15928/EFA/1253 (GG 778/B/31.12.1987) concerning: "Filing an application with OBI for the granting of a patent or utility model certificate and book keeping" (GG 309 B of 27.03.1998).

38. Law No. 2697/1999 "Ratification of the Locarno Agreement on International Patent Classification for industrial designs" (GG 62 A of 01.04.1999).

39. Law No. 2919 "Connecting research and technology to production and other provisions", Article 1(GG 128 A of 25.06.2001).

40. Law 2943/2001 "Serving of sentences of drug dealers and other provisions of the ministry for justice" (GG 203, A, 12.09.2001) and in particular Articles 6 through 11 regarding establishment and jurisdiction of community trade marks courts trying cases of inventions, industrial designs and technology transfer.

41. Presidential Decree No. 321 "Adaptation to Directive 98/44/EC of the European Parliament and of the Council on the legal protection of biotechnological inventions" (GG 218, A', 1.10.2001).

42. Joint Ministerial Decision No. 14113 EFA 3850 "Amendment to joint Ministerial Decision 12149/EFA/2248 (GG B 1240/11.10.2000) "Awards and financial

support of inventors", (GG 8, B, 13.01.2003).

43. Commission Regulation (EC) No. 1891/2004 of 21 October 2004, "Laying down provisions for the implementation of Council Regulation (EC) No. 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights (EU OJ L 328 of 30.10.2004).

44. Law No. 3396 "Ratification of the act revising the Convention on the Grant of European Patents (European Patent Convention of 5 October 1973, as amended on 17 December 1991) of 29 November 2000" and its translated Greek version, Articles one, two and three (GG 246, A of 06.10.2005).

45. Joint Ministerial Decision DYG3(a) 83657 on the "Harmonisation of Greek legislation with the equivalent community legislation in the fields of production and marketing of medicines for human use, in compliance with Directive 2001/1983/EC on "the Community Code relating to medicinal products for human use", as amended by Directives 2004/27/EC, 2004/24/EC on traditional herbal medicinal products and Article 31 of Directive 2002/1998/EC on the adoption of standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components", Article 11, paragraph 6 (GG 59 B of 24.01.2006).

46. Commission Regulation (EC) No 1172/2007 of 5.10.2007 "Amending Commission Regulation (EC) No 1891/2004 of 21.10.2004 laying down provisions for the implementation of Council Regulation (EC) No 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights".

47. Ministerial Decision No 11475 EFA 2388/ GG B' 1165/25.06.2008 "Submission of an application with the OBI for a six-month extension of the duration of the supplementary protection certificate for paediatric pharmaceuticals".

48. Ministerial Decision No 10374/GG B' 1594, 04.08.09 "Procedure of search report or final search report drawing by the Industrial Property Organisation (OBI)".

49. Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 "Concerning the supplementary protection certificate for medicinal products".

50. Law 3842/ GG A' 58/23.04.2010 "Restoring tax justice, addressing tax evasion and other provisions".

51. Ministerial Decision No 11970/ B0012/POL.1203/10 (GG 2147 B'/ 31.12.2010), "Determination of terms, prerequisites and procedures regarding the implementation of the provisions of article 71 'Patent tax incentives' of Law No 3842/2010 (GG A/58/23.4.2010)".

52. Law No 3966 (GG 118 A', 24.05.2011) "Institutional framework of Model Pilot Schools, Establishment of an Institute of Educational Policy, Organisation of the Institute of Computer Technology and Publications 'DIOFANTOS' and other provisions".

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[*] *Of the above, the following points are published as being deemed of greater importance: 9, 10, 11, 12, 13, 16, 17, 18 and 20, 24, 25, 26, 28, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52.*