

ORGANIZACIÓN MUNDIAL DEL COMERCIO

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Consejo de los Aspectos de los Derechos de Propiedad
Intelectual relacionados con el Comercio

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PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO

Grecia

En el presente documento se reproducen¹ las leyes y reglamentos siguientes, notificados por Grecia en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/GRC/1):

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¹En inglés solamente.

MINISTER'S DECISION No. 15928/EFA/1253 (FEK 778, B' of 31/12/1987)

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

THE MINISTER
OF INDUSTRY, ENERGY,
AND TECHNOLOGY

Considering:

1. The provisions of Articles 4, paragraph 4, 7 paragraph 11 and article 19 paragraph 14 of Law N. 1733/1987 related to "Technology transfer, inventions, technological innovation and establishment of an Atomic Energy Committee" (Official Journal 171, A');;

2. The provisions of Law N. 1558/1985 related to "Government and Governing Bodies";

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

CHAPTER 1

GENERAL PROVISIONS

Article 1.

Definitions

The following are meant for the application of this decision:

a. By the name "O.B.I." the Industrial Property Organisation (O.B.I.), with seat in Athens (Law N. 1733/1987).

b. By the name "Patent application", the application for the grant of a patent.

c. By the name "Utility model certificate application", the application for the grant of a utility model certificate.

Article 2.

Working days

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

Article 3.

Representation

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

2. The representative lawyer shall justify his authorisation by submitting to O.B.I. the related document. The originality of the signature of the mandatory shall be attested by a notary public or a public authority.

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 2

FILING OF A PATENT APPLICATION

Article 4.

Filing of the application

1. The patent application shall be filed with O.B.I. in duplicate and shall meet the prerequisites of article 7, paragraphs 1 and 2 of Law N. 1733/1987. The description, the claims and the abstract may be filed either in Greek, or in English, in French or in German. In the second case the translation shall be provided within four months as provided by article 7, paragraph 9 of Law N. 1733/1987. According to article 7, paragraph 2 of Law N. 1733/1987, the applicant may also provide any eventual explanation if necessary within the said period.

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

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

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 the 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 the 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 × 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 × 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. Tempera-

tures 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 3

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 N. 4325/1963 on "the inventions concerning the national defence of the country".

Article 11.

Utility model certificate application

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

2. The utility model application or the declaration for the conversion of a patent application to utility model application is recorded in the application Register Book with the indication "Utility Model Certificate Applications".

Article 12.

Practice details

Regulations on keeping the Register Books and on other formal procedures for the filing of the patent or utility model

applications are set by decision of the Administrative Council of O.B.I.

Article 13.

Entry into force

The entry into force of the present deci-

sion 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 (FEK 247, B' of 27/4/1988)

"Technology transfer contract registration form"

THE MINISTER OF INDUSTRY,
ENERGY, AND TECHNOLOGY

considering

1. The provisions of article 22, paragraph 5 of Law N. 1733/1987 related to "Technology Transfer, inventions, technological innovation, and establishment of an Atomic Energy Committee" (Official Journal, FEK 171,A);

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

3. The minutes of the 12th session of the Administrative Council of the Industrial Organisation dated 13.3.1988,

decided on the following:

Article 1.**Technology Transfer Registration Form**

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

Article 2.**Obligatory information**

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

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

b. Full name or name of legal entity and complete address of the supplier.

c. The subject matter of the contract and the products or services referred thereto.

d. The date of the conclusion, the beginning of the practice and the expiration of the validity of the contract as well as its period of validity.

e. The general content of the contract and the type of the co-operation with the technology supplier (license, technical assistance, management, administration, turn key, associated production or other).

Article 3.**Optional information**

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

Article 4.**Elaboration of the form — Additions**

1. O.B.I. shall elaborate and provide printed the above mentioned form for technology transfer contracts.

2. The Administrative Council of O.B.I. may come to a decision on the addition to the form of new optional information.

Article 5.**Entry into force**

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

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

PRESIDENTIAL DECREE No. 77/1988 (FEK 33, A' of 25/2/1988)

"Implementing regulations of the Convention on the grant of European patents as ratified by Law N. 1607/1986"

THE PRESIDENT
OF THE HELLENIC REPUBLIC

Considering:

1. The provisions of article 23, paragraph 10 of Law N. 1733/1987 on "Technology transfer, inventions, technological innovation, and establishment of an Atomic Energy Committee" (Official Journal — FEK 171, A').

2. The provisions of Law N. 1558/1985 "Government and Governing Bodies (Official Journal — FEK 13, A').

3. The opinion No. 771/87 of the Council of State, issued after a proposal by the Minister of Industry, Energy, and Technology, we decide on the following:

CHAPTER 1

GENERAL PROVISIONS

Article 1.

Application field

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

Article 2.

Definitions

The following is meant for applying of the present decree:

a. With the name of "O.B.I.", the Industrial Property Organisation (O.B.I.) with seat in Athens (art. 1, Law N. 1733/1987);

b. Under the term "Convention", the Convention for the grant of European patents ratified by Greece, by Law N. 1607/1986 (Official Journal 85, A');;

c. Under the term "EPO", the European Patent Office as defined in the Convention;

d. Under the term "European application", the application for the grant of a European patent;

e. Under the term Bulletin, the Industrial Property Bulletin published by O.B.I. (art. 4, Law 1733/1987);

f. Under the term "certified translation", the translation made by a lawyer or an authority competent in certifying translations.

CHAPTER 2

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

Article 3.

Filing of the application

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

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

Article 4.

Language of the Application

1. The European application shall be

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

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

Article 5.

Documents of the Application

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

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

Article 6.

Receiving of the application

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

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

Article 7.

Registration of the application

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

concerning the secrecy for the national patents.

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

Article 8.

Forwarding of the European applications to the EPO

Following the deadlines of articles 3 and 4 of Law N. 4325/1963 "Regarding inventions concerning the national defence of the country", O.B.I. forwards without delay the European patents to the EPO.

CHAPTER 3

TRANSLATIONS

Article 9.

Filing of Translations

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

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

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

3. The translation together with the supporting documents are accepted by O.B.I. provided that the formal prerequisites of Rule 35, (3) to (14) 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 N. 1733/1987 from the date the certified translation of the claims was filed with O.B.I. As filing date is meant the date of publication of the relevant mention in the Bulletin.

Article 11.

Translation of the European patent

1. Within three months from the publication in the European Patent Bulletin of the mention of the grant of the European patent or of the decision for its maintenance in force under modified form after examination of the relevant

opposition, the patentee must file with O.B.I. the certified translation of the text that the EPO has been based on, in order to grant the European patent or to maintain it under its modified form.

2. The European patent shall be deemed automatically invalid in Greece, if the term set in paragraph 1 expires.

Article 12.

Filing of the translation of the European patent

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

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

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

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

Article 13.

Publication of the translation
of the European patent

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

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

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

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

CHAPTER 4

AUTHENTIC TEXTS —
RIGHTS OF THIRD PARTIES

Article 14.

Authentic text of a European patent
application or European patent

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

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

Actions of nullification are exempt therefrom.

Article 15.

Reviewing of translation

In the case of paragraph 2 of article 14, the beneficiary of the European application or European patent may file with O.B.I., whenever desirable a reviewed translation of the European application or European patent. The reviewed translation shall be in force from the date that the prerequisites of articles 9, 10, 11 and 12 of this decree are met.

Article 16.

Rights emanating from a
previous exploitation

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

CHAPTER 5

FEES — REPRESENTATION

Article 17.

Payment of fees — Consequences

1. For the maintainance of a European patent in force in Greece annual fees must be paid to O.B.I. in advance. The article 24 of Law N. 1733/87 concerning annual protection fees for national patents is respectively applied thereto.

2. The first installment of annual

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

3. In case that article 16 of Law N. 1733/1987 is applied, the loss of rights is published in the Bulletin and registered in the common Patent Register, Volume B', "European Patents".

Article 18.

Fees

The amount of fees payable to O.B.I. for the translation of the European application or the European patent is determined by decision of the Administrative Council of O.B.I. in accordance with article 24 (6) of Law N. 1733/1987.

Article 19.

Representation

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

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

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

CHAPTER 6

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

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

3. Requests for conversion are entered

in the Records Book, Volume A', "National applications".

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 7

REGISTER — FINAL REGULATIONS

Article 23.

Registering

1. O.B.I. records in the patent Register,

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

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

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

Article 24.

Entry into Force

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

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

PRESIDENTIAL DECREE No 16/1991

"Implementing regulations of the Patent Cooperation Treaty as ratified
by Law No 1883/1990

THE PRESIDENT
OF THE HELLENIC REPUBLIC

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

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

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

HEREBY DECIDES:

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 (OJ - FEK No 45, A/29-3-1990).

b. "international application" shall mean the application filed under this Treaty.

c. "certified translation" shall mean the translation done by a lawyer or any authority entitled to certify translations.

d. "EPO" shall mean the European Patent Office as defined in the European Patent Convention (Convention on the Grant of European Patents) ratified in Greece by Law No 1607/1986 (OJ - FEK 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 Organization (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 defense").

3. An international application may be also filed through a registered letter upon

receipt as provided for in Article 4, paragraph 3 of the Minister's Decision No 15928/EFA/1253 on the filing of national applications.

Article 4

Language of the Application

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

2. If the application must be filed with the 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 ap-

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

Article 8

Filing date of the International Application

1. The 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 fulfills 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 pre-

scribed 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 defense" and provided that the international application shall have been deemed to be of no interest to the national defense 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 ap-

plication 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" (OJ - FEK No 85, A) and of the Presidential Decree No 77/1988 "implementing regulations on the grant of European Patents" (OJ - FEK No 33, A).

Article 13

Filing of the Translation

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

Article 14

Provisional Protection

Whoever avails themselves of the rights deriving from the international application they shall be entitled to the provisional protection pursuant to Article 23, paragraph 2 of Law No 1733/1987 as of the date of filing of the certified translation with the 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 accompanied by the payment of a transmittal fee to it, for its own benefit, pursuant to Rule 14 of the Treaty.

The amount of the transmittal fee shall be due within one month from the receipt of the international application by the 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 applicant 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 (FEK).

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