

ORGANIZACIÓN MUNDIAL DEL COMERCIO

IP/N/1/CZE/1/2

29 de abril de 1996

(96-1625)

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

Original: inglés

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

República Checa

En el presente documento se reproducen¹ las leyes y reglamentos siguientes, notificados por la República Checa en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/CZE/1):

	<u>Página</u>
- Decreto de la Oficina Federal de Invenciones de procedimiento en materia de invenciones y dibujos industriales, N° 550, de 11 de diciembre de 1990	2
- Ley de Agentes de Patentes, N° 237, de 17 de mayo de 1991	22

¹En inglés solamente.

Decree of the Federal Office for Inventions
on the Procedure in Matters of Inventions and
Industrial Designs
(No. 550 of December 11, 1990)

The Federal Office for Inventions in agreement with participating central authorities - in accordance with Section 88, Paragraph 1 of Law No. 527/1990 Coll. of Laws on Inventions, Industrial designs and Rationalization proposals (hereinafter referred to as "the Law") - stipulates the following:

PART ONE

PROCEDURE ON INVENTIONS

C h a p t e r O n e

Application for an Invention

Section 1

The application shall be filed in writing with the Federal Office for Inventions (hereinafter referred to as "the Office") in the Czech or Slovak language.

Section 2

(1) The application for an invention shall contain a request for grant a patent in two copies, a description of the invention, also drawings thereof, at least one patent claim and an abstract in original and two copies and necessary appendices. The original shall enable high-grade copying or printing.

(2) If the applicant is not the inventor himself, or if he has no right to a patent according to provisions of Section 9 of the Law a document on acquisition of the right to the patent shall be attached to the application for an invention.

Request for Grant of a Patent

Section 3

- (1) The request for grant a patent shall contain the following:
- (a) the surname, first name, address and nationality of the applicant; if the applicant is a legal person, its name and headquarters;
 - (b) the surname, first name, address and nationality of the inventor, if the is not the applicant;
 - (c) the surname, first name and domicile of a representative, if the applicant is represented; if the applicant is represented by a legal person, its name and headquarters shall be given;
 - (d) the title of the invention;
 - (e) an expression of the will of the applicant that he is requesting the grant of a patent;
 - (f) the signature of the applicant or his representative.

(2) The execution of the request for the grant of a patent shall correspond to the specified standard.

Section 4

(1) If the applicant is claiming the priority right under the international treaty according to Section 27 of the Law, he shall state in the request the date of filing of the application from which he is deriving the priority right, its number and state in which this application was filed or the authority with which the application was filed under the international treaty.

(2) If the applicant is claiming several priority rights, he shall state, at the same time to which patent claim the priority right appertains.

Section 5

When several co-applicant are filing a request for the grant of a patent and they do not have a joint representative, they shall stipulate in the request to which of them information and decisions of the Office shall be sent.

Description of the Invention

Section 6

- (1) The description of the invention shall contain the following:
- (a) the title of the invention;
 - (b) the technical field which the invention concerns;
 - (c) the characteristics of the existing state of the art;
 - (d) a disclosure of the nature of the invention and its advantages or, possibly, disadvantages as against the existing state of the art;
 - (e) a clarification of drawings, if attached;
 - (f) examples of performance the invention;
 - (g) methods of industrial application of the invention.

(2) One of the copies of the description of the invention shall be signed by the applicant or his representative.

(3) The execution of the description of the invention shall correspond to the specified standard.

Section 7

Special Requirements Placed on the Description
of Production Micro-Organisms Invention

(1) When the subject matter of an invention is an industrial micro-organism for the purposes of production or some other biotechnological product, or the method of its production or use, its morphological and physiological characteristics shall be delimited, its deposit number in a public collection listed, and proof presented in the form of a reproducible example that it is obtained artificially.

(2) On invitation of the Office the applicant shall be obliged to attest to the fulfilment of obligations according to Section 26, paragraph 2 of the Law..

Section 8

Patent Claims

(1) Patent claims shall define the subject matter for which protection is requested. They shall be clear, concise and be supported by the description. One of the copies of the patent claims shall be signed by the applicant or his representative.

(2) Execution of the patent claims shall correspond to the specified standard.

Section 9

Drawings

The nature of the invention shall, if necessary, be illustrated by a schematic diagram of the principle and all characteristics on which the invention is based. Execution of the drawing shall correspond to the specified standard; one of the copies of the drawing shall be signed by the applicant or his representative.

Section 10

Abstract

(1) The abstract serves exclusively for technical information purposes.

(2) The abstract shall contain the title of the invention and a brief summary of what is presented in the description, patent claims and drawings.

(3) The execution of the abstract shall correspond to the specified standard. The abstract may be modified **e x o f f i c i o** .

C h a p t e r T w o

Procedure on the Application for an Invention

Section 11

(1) The Office shall mark the application for an invention with the date of its filing, assign it a reference number and issue the applicant a certificate of the filing of the application for an invention.

(2) The application for an invention shall be deemed to be filed if it contains the indication of the applicant, an expression of his will to have a patent granted, a section obviously presenting a description of the invention and a patent claim.

Section 12

The Office shall record the filed application for an invention in the Register of Applications for Inventions. The following shall be recorded in the Register of Applications for Inventions:

- (a) the reference number of the application;
- (b) the classification of the invention according to the International Patent Classification;
- (c) the filing date of the application;
- (d) the surname, first name and address of the inventor;
- (e) the indication of the applicant and his representative, if he is so represented;

- (f) the title of the invention;
- (g) information on claimed priority right under the international treaty, if this applies;
- (h) the name of the Officer examiner to whom the application was assigned for processing;
- (i) an offer of licence;
- (j) Information on the individual filings in matters and acts of the Office.

Section 13

Excluded Applications for an Invention

(1) If the Office ascertains that the application for an invention does not comply with the requirements of Section 26 (1) of the Law, it shall invite the applicant to remedy this defect within a set time limit. Excluded applications for an invention possess the priority right of the original application if the applicant files them within 3 months after remedying the defect from the original application. The applicant may also divide the application for an invention up to the date of grant of patent, in his own initiative.

(2) If the application is excluded or divided after initiation of the full examination in accordance with Section 33 of the Law, the excluded application shall be deemed to be an application for which a request was filed for full examination.

(3) In the case of an excluded application, the applicant shall be obliged to pay administrative fees corresponding to the state of procedure on the original application at the time of its exclusion.

Section 14

Admissible Changes in the Application for an Invention

Modifications and changes made in the application for an invention during the course of patent procedure shall not exceed the framework of the original filing.

Section 15

Full Examination

(1) If the full examination of the application for an invention was initiated at the request of a person other than the applicant, or if it was initiated **e x o f f i c i o**, the Office shall inform the applicant of this fact.

(2) If several persons independently of each other request a full examination of the application for an invention the Office shall initiate the full examination on the basis of the request which arrived first. The Office shall inform persons who filed such requests later of this fact.

Section 16

Patent Register

(1) The Office shall record invention for which a patent has been granted in the Patent Register.

(2) The following data of each invention shall be recorded in the Patent Register:

- (a) number of the patent;
- (b) the date of grant the patent;
- (c) the date of publication of grant the patent in the Věstník Federálního úřadu pro vynálezy (Official Bulletin of the Federal Office for Inventions - hereinafter referred to as "the Bulletin");
- (d) the title of the invention
- (e) the date of filing of the application for an invention and its reference number;
- (f) the date of publication of the application for an invention
- (g) information on priority right under the international treaty, if this applies;
- (h) the owner of the patent, his address or the address of his representative;
- (i) classification of the invention according to the International Patent Classification;
- (j) the surname, first name and address of the inventor;
- (k) assignment of the patent;
- (l) license;

- (m) offer of license;
- (n) compulsory license;
- (o) the right of a prior user;
- (p) annulment or partial annulment of the patent;
- (r) payment of administrative fees for the patent;
- (s) lapse of the patent;
- (t) other decisive data.

Section 17

Registration of License

(1) A request for recording a license contract in the Patent Register shall be filed with the Office in writing.

(2) The request shall be accompanied by two copies of the license contract from which shall be clear the indications of the invention for which the license is being given the acquirer of the license rights and the extent of granted rights.

C h a p t e r T h r e e

Procedure on International Application for an Invention

Section 18

International applications for inventions (hereinafter referred to as "International Applications") in accordance with Section 24 (2), of the Law shall be filed with the Office in three copies in English or German or French or Russian, in dependence on the prescribed language of the international searching authority.

Section 19

(1) The applicant of an International Application by which grant of a patent in the Czech and Slovak Federal Republic is sought under the international treaty shall be obliged to submit to the Office - if it is Designated Office - three copies of a Czech or Slovak translation of the application and pay the respective fees according to special regulations within a time limit of 21 months from the rise of the priority right. If the Office is the Elected Office, the applicant shall submit three copies of a Czech or Slovak translation of the application and pay the respective fees according to special regulations within a time limit of 30 months as from the rise of the priority right.

(2) If the applicant fulfils the condition stated in paragraph (1), the Office may, upon a request of the applicant, initiate procedure on the International Application even before the time limits stated in paragraph (1).

C h a p t e r F o u r

Declaratory Judgement Procedure,
Patent Annulment Procedure, Compulsory License Procedure and
Procedure for Transformation an Inventor's Certificate to a Patent

Section 20

Declaratory Judgement Procedure

(1) A request for determining whether a given subject matter falls or does not fall within the scope of a given patent shall be filed with the Office in writing in two copies.

(2) The request shall contain a prove of the legal interest in a declaratory judgement, the necessary data and attached documents necessary for issuing a declaratory judgement. The documents shall be submitted in four copies.

(3) The Office shall invite the parties of the procedure to submit observations to the request and, if necessary, to submit necessary documents. If they do not submit observations within the set time limit, this shall not prevent taking a decision on the request.

Section 21

Patent Annulment Procedure

(1) A proposal for annulment of a patent shall be submitted to the Office in writing in two copies.

(2) The proposal shall be justified in a matter-of-fact way and at the same time material proof shall be substantiated or offered.

(3) The Office shall invite the owner of the patent to submit observations to the proposal; if he fails to do so within the set time limit this shall not prevent taking a decision on the proposal.

Section 22

Compulsory License Procedure

(1) A request for granting a compulsory license shall be filed with the Office in two copies.

(2) The request shall be justified in a matter-of-fact way and shall be substantiated.

(3) In this decision on grant a compulsory license, the Office shall specify the extent of the license.

Section 23

Procedure for Transformation of an Inventor's
Certificate into a Patent

(1) The inventor defined by provisions of Section 81 (4) of the Law shall file his request for transformation of a valid inventor's certificate into a patent with the Office in two copies.

(2) If the invention specified in paragraph (1) was made by the joint creative effort of several co-inventors, they shall file a joint application for transformation of the inventor's certificate into a patent. If the co-inventors do not have a joint representative, they shall specify the name and address of that co-inventor to whom decisions of the Office are to be forwarded.

(3) The request for transformation of the inventor's certificate into a patent shall contain the title of the invention, the number of the inventor's certificate and date of its grant and the name of the organisation which belongs the right to dispose the invention or which has been obtained by such a right.

(4) The Office shall publish the request for transformation of the inventor's certificate into a patent in the Bulletin. Anybody may file an objection to transformation of the inventor's certificate into a patent within 3 months from the date of publication of the request for transformation of the inventor's certificate into a patent. Failure to comply with this time limit cannot be excused.

(5) The Office shall publish its decision on transformation of the inventor's certificate into a patent in the Bulletin.

(6) The patent granted on the basis of a request for transformation of an inventor's certificate into a patent shall be valid for a period of 15 years from the date of filing the application for an invention; patent rights granted on the basis of the request for transformation of an inventor's certificate into a patent commence on the day of publication of the request for transformation of the inventor's certificate into a patent in the Bulletin.

P A R T T W O

PROCEDURE ON INDUSTRIAL DESIGN

C h a p t e r O n e

Industrial Design Application

Section 24

(1) The application for an industrial design shall be filed in writing with the Office executed in the Czech or Slovak language.

(2) A multiple application for an industrial design may, at most, include twenty solutions of the appearance of products of the same type or a set of products intended for joint use, belonging into the same product class.

Section 25

(1) The application for an industrial design shall contain a request for recording the industrial design in the register, an original illustration and four copies of the industrial design or five copies of its description.

(2) In the case of a multiple application for an industrial design the illustration of the industrial design or its description shall be submitted for each appearance. Each appearance shall be numbered in Arabic numerals.

(3) Attached to a multiple application for an industrial design shall be a list of products contained in the application.

(4) In the event that the applicant is not the creator of the industrial design or is not entitled to file an application for an industrial design according to the stipulation in Section 44 of the Law, the application shall include a document on the applicant's right to file the application for an industrial design.

Request for Recording an Industrial Design in the Register

Section 26

The request for recording an industrial design shall contain the following:

- (a) the surname, first name, address and nationality of the applicant; if the applicant is a legal person, its name and headquarters;
- (b) the surname, first name, address and nationality of the creator of the industrial design in the event that he is not the applicant for the industrial design;
- (c) if the applicant is being represented the surname, first name and domicile of the representative; if the applicant is represented by a legal person, its name and headquarters shall be given;
- (d) the title of the industrial design;
- (e) expression of the will of the applicant that he is applying for the recording of the industrial design in the register;
- (f) the signature of the applicant or his representative.

Section 27

If the applicant claims the priority right under the international treaty according to Section 48 (2) of the Law, he shall list in the application the date of application from which he is deriving his priority right, its number and state in which this application was filed.

Section 28

(1) The Office may accord individual exhibitions held on the territory of the Czech and Slovak Federal Republic the right for creators of industrial designs to claim priority rights (exhibition priority) for products exhibited at these exhibitions.

(2) The Office shall publish the right to claim exhibition priority at individual exhibitions in the Bulletin.

Section 29

(1) If the applicant is claiming exhibition priority in accordance with provisions of Section 49 of the Law, he shall state in his application the date when the product was entered into the exhibition and the period over which the exhibition was held.

(2) An application in which the exhibition priority is claimed shall include confirmation by the organiser of the exhibition that the product illustrated or described in the application is identical with the product displayed at the exhibition and information on the date when the product was entered into or demonstrated at the exhibition.

Section 30

If the application for an industrial design is filed by several co-applicant and they do not have a joint representative, they shall name one of the co-appliants as the person to whom reports and decisions of the Office shall be posted.

Illustrations

Section 31

All characteristic features of the appearance of the product shall be clearly illustrated by photographs or drawings (however, not shop or design), concretely in as many views as necessary to clearly depict the shape, outline or colour specifics of the appearance of the product. One of the copies of the drawing shall be signed by the applicant or his representative.

Section 32

(1) The photographs or drawings shall meet the printing and copying requirements.

(2) The photograph or drawing shall be of at least size A6 or at most A5. If the subject of protection is to be the colour rendering of the appearance of a product, colour illustrations shall be submitted.

(3) Photographs of the appearance of the product shall be submitted in five copies. One original and four copies shall be submitted of drawings of the appearance of the product.

(4) The individual components shown in the drawings shall be sequentially marked with reference signs (arabic numeral or standard symbols) in agreement with the designation used in the description. No written texts and explanations may be used on the photographs or in the drawings.

Section 33

Description of the Industrial Design

(1) The description of the industrial design should contain a written summary of those features which mainly constitute the specifics of the appearance of the product. The applicant or his representative shall sign one copy of the industrial design description.

(2) The special terminology employed shall be the terminology which is in general use.

(3) The execution of the description of the industrial design shall be meet the printing and copying requirements.

C h a p t e r T w o

Procedure on the Application for an Industrial Design

Section 34

(1) The Office shall mark the date of filing on the application for an industrial design, record it in the Register of Industrial Design

Applications and issue the applicant a receipt on filing the application for the industrial design.

(2) The application for the industrial design shall be deemed to be filed if it contains the designation of the applicant, his will to have the industrial design recorded in the Register of Industrial Designs and an illustration of the appearance of the product for which protection is being sought.

Section 35

The following data shall be recorded in the Register of Industrial Designs:

- (a) the reference number of the application for an industrial design;
- (b) the title and class of the industrial design in accordance with the international classification;
- (c) the data of filing of the application of the industrial design and, possibly, also data of its priority rights;
- (d) the surname, first name and address of the creator of the industrial design;
- (e) the indication of the applicant or his representative, if the applicant is so represented;
- (f) the title of the industrial design;
- (g) data on the claimed priority right under the international treaty, if this applies, or an exhibition priority right;
- (h) the name of the Office examiner to whom the application was assigned for processing;
- (i) information on individual filing of matters concerning the application and on Office actions.

Section 36

A multiple application for an industrial design shall be processed by the Office as a single entity.

Section 37

At the request of the applicant, the Office shall not record an industrial design, about which it has decided that it fulfils all the conditions stipulated by law, in the Register of Industrial Designs earlier than six months from the day of filing the application for the industrial design.

Section 38

The following data shall be recorded about each industrial design in the Register of Industrial Designs:

- (a) the registration number of the industrial design and the data of decision on its registration by the Office;
- (b) the title and class of the industrial design in accordance with the international classification;
- (c) the date of filing the application for the industrial design or data on its priority right;
- (d) the surname, first name and address (name and headquarters) of the owner of the industrial design or his representative;
- (e) the reference number of the industrial design;
- (f) the surname, first name and address of the creator of the industrial design;
- (g) assignment of the industrial design;
- (h) license agreements;
- (i) the rights of a prior user;
- (j) cancellation of the industrial design from the register;

- (k) prolongation of the validity of the registration of the industrial design in the register;
- (l) lapse of registration of the industrial design in the register.

Section 39

In the certificate on the registration of an industrial design the Office shall list data listed in Section 38 under letters (a) to (f).

Section 40

Prolongation of the registration validity of the industrial design in the register shall be applied for in writing.

C h a p t e r T h r e e

Declaratory Judgement, Procedure on Cancellation of an
Industrial Design from the Register and Registration
of a License

Section 41

Declaratory Judgement Procedure

(1) A request for declaration whether the appearance illustrated or described in the application lies or does not lie within the scope of a given registered industrial design shall be filed with the Office in two copies.

(2) In the application, the applicant shall prove his legal interest in the declaration and include data and documents necessary for issuing the declaratory judgement. Documents are submitting in four copies.

(3) The Office shall invite the parties in the procedure to submit observation to the application and, if necessary, to present pertinent documents. If they fail to do so within the set time limit, this shall not prevent taking a decision on the application.

Section 42

Procedure on Cancellation of an Industrial Design from the Register

(1) A proposal shall be filed with the Office in writing, including appendices, in two copies.

(2) The proposal shall be justified in a matter-of-fact way and at the same time material proof shall be substantiated or offered.

(3) The Office shall invite the owner of the industrial design to submit observations to the proposal. If they fails to do so within the set time limit, this shall not prevent taking decision on the proposal.

Section 43

Registration of a License

(1) The request for recording a license contract in the Register of Industrial Designs shall be filed with the Office in writing.

(2) The request shall be supplemented with two copies of the license from which shall clearly follow the indication of the registered industrial design for the utilisation of which the license is being granted, the name of the acquirer of rights following from the license and the extent of the rendered rights.

PART THREE
FINAL PROVISIONS

Section 44

This Decree shall enter into force on January 1, 1991.

President

Ing. J a k l ,
(in his own hand)

Law on Patent Agents

(No. 237 of May 17, 1991)

The Federal Assembly of the Czech and Slovak Federal Republic has enacted this law:

Section 1

The subject of the law

The law regulates the status as well as the rights and duties of patent agents.

PART ONE
PATENT AGENT

Section 2

A patent agent provides professional assistance to natural and legal persons in matters concerning industrial property by, especially, representing them in proceedings before the Federal Office for Inventions (hereinafter "Office") and/or other administrative authorities and giving them expert counsel.

Section 3

(1) Persons recorded in the register of patent agents (hereinafter "register") kept by the Chamber of Patent Agents (hereinafter "Chamber") only can be licensed to operate as patent agents under this law.

(2) The exercise of Section 2 activities in accordance with relevant statutory provisions¹⁾ is left intact by this law.

1) Law of the Czech National Council on Advocacy (No.128/1990 of the Collection)
Law of the Slovak " " " " (No.132/1990 of the Collection)
Law of the Czech National Council on Commercial Lawyers
(No.209/1990 of the Collection)
Law of the Slovak " " " " (No.129/1991 of the Collection)

Section 4

(1) The Chamber shall record in the register anybody who fulfils these conditions:

- a) he is a national of the Czech and Slovak Federal Republic and has permanent residence on its territory,
- b) he has full legal capacity,
- c) he has a clean criminal record,
- d) he has requisite university education,
- e) he will pass the professional exam,
- f) he will take this oath before the Chamber chairman:

"I promise on my conscience and civic honor I will observe the constitution, other laws, conscientiously fulfil the duties of a patent agent, and maintain secrecy about whatever facts I may learn in connection with the exercise of this activity".

(2) The Chamber shall not record in the register an Office employee.

Section 5

(1) The content and organization of the professional exam will be decided by the Office after consulting the Chamber. The professional exam is usually held twice a year and always at least once a year, and it is public.

(2) The Office appoints the chairman and four members of the exam commission, two of them being proposed by the Chamber.

(3) Everyone applying to be recorded in the register must be admitted to the professional exam provided he has requested so and has at least five years practice in the field of industrial property.

(4) By passing the professional exam the applicant demonstrates his knowledge of patent engineering, articles of law, and international treaties concerning industrial property, as well as practical knowledge requisite for the exercise of activities of a patent agent.

(5) To prove the professional exam was passed, the Office shall issue the applicant with a certificate.

Section 6

(1) The Chamber shall allow the oath according to Section 4/1/f to be taken within one month after the presentation of the exam-passing certificate.

(2) Within 15 days after oath-taking, the Chamber shall issue the patent agent with a certificate of his having been recorded in the register.

Section 7

(1) Recorded in the register are the name, surname, establishment and, potentially, residence of the patent agent, the infliction of disciplinary measures, if any (Section 32), suspension of his activities as a patent agent (Section 8), and his erasure from the register (Section 9).

(2) The Office publishes in the Official Bulletin of the Federal Office for Inventions the list of patent agents recorded in the register.

Section 8

(1) The Chamber shall suspend the exercise of activities of a patent agent

- a) pending his penal service or pending a ban on his exercise of activities as a patent agent,
- b) if he has become an Office employee.

(2) The Chamber can suspend the exercise of activities of a patent agent

- a) pending a final ruling terminating his criminal trial if he has been charged with a deliberate criminal offense,
- b) pending a final ruling terminating a proceeding if a proceeding has been started to attest his legal capacity.

(3) If the grounds upon which the exercise of activities was suspended have become void, the Chamber shall lift the suspension of activities; if the exercise of activities has been suspended for more than three years, the patent agent is obliged to take the professional exam again.

Section 9

- (1) The Chamber shall erase from the register a patent agent who
- a) has died or been declared dead,
 - b) has been deprived of legal capacity or whose legal capacity has been restricted,
 - c) has been effectively convicted of a deliberate criminal offense committed in connection with the exercise of activities of a patent agent,
 - d) has been afflicted with the disciplinary measure of being erased from the register (Section 31),
 - e) has so requested in writing.

(2) The Chamber can erase from the register a patent agent who has been effectively convicted of a criminal offense other than those specified by subsection 1/c.

(3) The Chamber shall erase from the register a patent agent whom it shall subsequently find to have defaulted on some of the conditions according to Section 4.

Section 10

An applicant for the occupation of a patent agent whom the Chamber has not recorded in the register or a patent agent whom the Chamber has erased from the register, except for erasures according to Section 9/1/d, or a patent agent whose exercise of activities as a patent agent has been suspended by the Chamber has a right to seek a remedy in court.

PART TWO

RIGHTS AND DUTIES OF PATENT AGENTS

Section 11

(1) A patent agent is bound by the constitution, laws, other generally binding provisions of law, and, within their confines, by orders of the represented person.

(2) A patent agent is obliged to protect the rights and legitimate interests of the represented person. He is also obliged to act honestly and conscientiously, consistently employ every means of law, and take recourse to everything which in the light of his convictions and orders from the represented person he regards as being contributory to his benefit.

Section 12

(1) A patent agent is obliged to maintain secrecy about any facts he has learned in connection with the occupation of representing. He can be unburdened of this duty only by the represented person with a written statement; however, the agent must maintain secrecy even if unburdened of this duty by the represented person in case it is in the interest of the represented person.

(2) The duty to maintain secrecy does not apply to the court-imposed obligation to thwart or report the commission of a criminal offense.

(3) The secrecy duty applies also to one who has been erased from the register or one whose exercise of activities has been suspended.

(4) The secrecy duty according to subsections 1 to 3 applies as well to persons whom a patent agent has under employment or other such contract (Section 16).

Section 13

- (1) Everybody has a right to be represented by a patent agent.
- (2) A patent agent is obliged to refuse representation if
- a) he has represented another party in the same matter whose interests are in conflict with the interests of the person requesting representation,
 - b) the opposite side is represented by a patent agent with whom he jointly exercises the occupation of a patent agent (Section 21).

Section 14

(1) A patent agent can withdraw from a representation contract if there has been a breach of trust between him and the represented person, if the represented person does not adequately cooperate, or if the represented person has without serious reason failed to pay an adequate advance on the remuneration for representation (Section 17); a patent agent shall do so whenever he has subsequently discovered facts listed in Section 13/2.

(2) A patent agent is obliged to perform all acts suffering no delay for the period of two months from the day he withdrew from a representation contract provided the represented person has not undertaken other measures.

Section 15

A patent agent may within the bounds of his authorization let himself be represented by another patent agent; such representation is impossible against the will of the represented person.

Section 16

(1) A patent agent can hire under an employment or other such contract further persons (hereinafter "staff").

(2) Employment relationships between the patent agent and his staff are regulated by relevant statutory provisions.²⁾

Section 17

A patent agent carries out his activities for a remuneration and has a right to demand from the represented person an adequate advance on his remuneration.

Section 18

(1) A patent agent is liable to represented persons for damages he has caused them through his representation. A patent agent is liable for damages caused by his representation even if the damages have been caused by his agent or by his staff; this leaves intact the liability of these persons for damages under valid regulations.

(2) A patent agent shall free himself from responsibility under subsection 1 if he shall prove the damages could not have been prevented even if he expended every effort that could be asked of him.

Section 19

(1) Before going into business in accordance with the provisions of Section 2, a patent agent is obliged to conclude a contract to insure him against liability for damages such as might arise in connection with his activities; if the patent agent employs a staff, he is also obliged to conclude a contract to insure him against liability for damages suffered by his staff during fulfilment of labor duties or in direct relation thereto and for which the patent agent is liable under the Labor Code.

2) E. g. Law 65/1965, Labor Code, pursuant to later regulations, CSFR Government Decree 121/1990 (employment relations in the private entrepreneurship of citizens), pursuant to later regulations, Federal Ministry of Labor and Social Affairs' Decree 135/1990 (reward for labor in the private entrepreneurship of citizens).

(2) Insurance against liability for damages such as may arise in connection with the activities of a patent agent must last throughout the time such activities are exercised; insurance against damages incurred by the staff must last throughout the time the staff is employed by the patent agent.

Section 20

A patent agent is obliged to report to the Chamber his establishment and/or his residence, changes thereof, and data listed in provisions of Section 8/1/b and 2 and Section 9/1/c and 2.

Section 21

(1) Patent agents can exercise the activities according to Section 2 jointly; patent agents regulate legal relationships arising from their joint exercise of activities with a written contract.

(2) Each patent agent is liable to the represented person separately; if, however, a jointly represented person is involved and no other option has been agreed, patent agents are liable to the represented person jointly and inseparably.

PART THREE SELF-ADMINISTRATION AND DISCIPLINARY RESPONSIBILITY OF PATENT AGENTS

Section 22

(1) Herewith is established the Chamber of Patent agents with headquarters in Brno.

(2) The Chamber as a legal person is a self-administered organization grouping all patent agents.

Section 23

The Chamber has these authorities:

- a) the conference of patent agents,
- b) the board,
- c) the supervisory commission,
- d) the disciplinary commission.

Section 24

(1) The highest Chamber authority is the conference of patent agents (hereinafter "conference").

(2) All the patent agents recorded in the register have a right to participate in conference proceedings.

(3) The conference is convened by the board at least once every three years. The board is obliged to convene the conference within two months every time at least a third of all patent agents so requests in writing or if the supervisory commission so requests.

(4) A patent agent can authorize another patent agent in writing to represent him at a conference; a represented patent agent is regarded as if he attended the conference.

(5) A conference makes a quorum if a majority of all patent agents attends. A resolution is passed by a simple majority of attending patent agents.

Section 25

(1) The conference does the following, in particular:

- a) elects by direct and secret vote, out of the ranks of patent agents, the chairman and vice-chairman, and members of the board, supervisory commission, and disciplinary commission, to three-year terms; it also recalls by secret vote the members of those authorities,

- b) approves the Chamber's organizational code, electoral code and disciplinary code,
- c) approves the level of contributions for the activities of Chamber authorities,
- d) approves rewards compensating the time spent in the discharge of functions in Chamber authorities,
- e) discusses and approves Report on activities of other Chamber authority,
- f) can cancel or change a board decision.

(2) The chairman represents the Chamber on the outside and acts on its behalf in all matters; he also makes necessary decisions during the time between board sessions and directs Chamber employers within the limits determined by the organizational code.

(3) If a citizen of the Czech Republic is Chamber chairman, a citizen of the Slovak Republic is vice chairman, and **vice versa**.

Section 26

(1) The board decides:

- a) recordings into and erasures out of the register,
- b) remedies according to Section 33,
- c) all matters which under this law are entrusted to the Chamber, provided they are not decided by other Chamber authorities.

(2) The board also:

- a) convenes the conference,
- b) proposes two members of the exam commission to the Office according to Section 5/2,
- c) administers Chamber property,
- d) protects and asserts the interests of patent agents,
- e) regularly informs patent agents about Chamber activities,
- f) takes whatever measures are necessary for Chamber activities,

- g) keeps the register of patent agents,
- h) carries out other activities under this law which do not fall within the competence of other Chamber authorities.

(3) The board meets as a rule once every three months; board meetings are convened by the Chamber chairman.

Section 27

The supervisory commission:

- a) checks up on fulfilment of conference resolutions and board activities; for that purpose, the supervisory commission must be allowed access to all Chamber records,
- b) supervises proper performance of the activities of patent agents,
- c) elects out of its ranks the chairman, who directs commission activities; the supervisory commission chairman initiates disciplinary proceedings.

Section 28

The disciplinary commission:

- a) carries out disciplinary proceedings and decides disciplinary measures according to the law,
- b) elects out of its members the chairman, who directs commission activities.

Section 29

Functions in Chamber authorities are honorary.

Section 30

(1) Organization of the Chamber, its authorities, the jurisdiction of these authorities, and the membership of the Chamber board, supervisory commission, and disciplinary commission are elaborated in greater detail in the Chamber's organizational code.

(2) Electoral details are fixed by the Chamber's electoral code and details of disciplinary proceedings by the Chamber's disciplinary code.

Disciplinary responsibility

Section 31

(1) For a grievous or repeated breach of duties imposed by this law, the disciplinary commission can inflict on a patent agent, unless a criminal offense is involved, some of these disciplinary measures:

- a) a written censure,
- b) a fine of up to 10.000 CSK
- c) erasure from the register for up to five years.

(2) Proceeds from fines belong to the Chamber.

Section 32

(1) The infliction of disciplinary proceedings is decided by the Chamber's disciplinary commission in a disciplinary proceeding initiated by the supervisory commission chairman.

(2) The supervisory commission chairman can make a proposal to start disciplinary proceedings within two months from the date he learned of a disciplinary trespass by a patent agent, or no later than one year from the date the disciplinary trespass happened.

(3) A decision inflicting a disciplinary measure must be in writing and contain a verdict, argumentation, and listing of remedies.

Section 33

(1) Both patent agent and supervisory commission chairman can appeal a decision by the Chamber disciplinary commission within fifteen days from its delivery; the appeal has a dilatory effect.

(2) Appeals are ruled on by the Chamber board, which either sustains or repeals the assailed decision. In case an assailed decision is repealed by the Chamber board, the Chamber disciplinary commission is bound by the Chamber board's decision.

Section 34

Final rulings by the Chamber Board inflicting erasure from the register as a disciplinary measure are re-examined in the light of relevant statutory regulations³⁾ by request from the patent agent whom the decision concerned, by the Supreme Court of the Czech and Slovak Federal Republic; the proposal can be filed within a time limit set by relevant statutory regulations⁴⁾.

PART FOUR

FINAL, TRANSITIONAL AND REPEALING PROVISIONS

Section 35

The authorization to represent persons who don't have an establishment or residence on the territory of the Czech and Slovak Federal Republic in proceedings before the Office, granted according to Section 11 of Decree 107/1972 of the Office of Inventions and Discoveries, concerning foreign relations in matters of inventions and industrial designs, and the authorization to represent these persons in trademark proceedings according to Section 27/3 of Trademark 174/1988 and according to Section 15 of Law 159/1973, concerning Protection of the Appellation of Origin of Products, lose validity six month after the date on which this law took effect.

3) Sections 244-250 of the Code of Civil Procedure

4) Section 247/2 of the Code of Civil Procedure

Section 36

The authorization to represent persons in proceedings before the Office and perform services and work designed to enforce protection of industrial property according to Law 105/1990 concerning Private Entrepreneurship of Citizens, loses validity six months from the date on which this law took effect.

Section 37

(1) Applicants for entry in the register whose written applications were delivered to the Chamber within six months from the date this law took effect shall be recorded by the Chamber in the register after taking the oath, provided they meet the conditions stipulated by Section 4/1/a-c, have earned requisite university education, and have at least five years' practice in the field of industrial property; exceptions are granted by the Chamber.

(2) An applicant recorded in the register according to subsection 1 is obliged to take the professional exam under Section 4/1/e no later than 12 months from his entry in the register.

(3) If an applicant does not meet the duty under subsection 2, he will be erased from the register.

(4) Natural persons authorized to represent persons according to Section 70/1 of Law 527/1990 on Inventions, Industrial Designs and Rationalization Proposals and according to Section 27/3 of Trademark Law 174/1988, will be recorded by the Chamber in the register upon presentation of an authorization granted by the Office.

Section 38

(1) Pending establishment of the Chamber authorities, their jurisdiction is discharged by a preparatory committee appointed by the Office president.

(2) The preparatory committee convenes the Chamber founding conference by Dec. 31, 1991.

Section 39

By agreement with the Chamber, the Office shall issue a decree on the rewarding of patent agents.

Section 40

Should present laws ⁵⁾ imply legal and natural persons who have no residence or establishment in the Czech and Slovak Federal Republic must be represented in proceedings before the Office by an organization or an organization member thereto authorized, or by a representative under relevant statutory regulations, or by a patent agent authorized thereto by this Office, the implication signifies a representative under relevant statutory regulations ¹⁾ and in accordance with this law.

Section 41

This law takes effect on the day of July 1, 1991.

5) Section 15 of Law 159/1973, concerning Protection of the Appellation of Origin of Products.

Section 27/3 of Trademark Law 174/1988.

Section 70/1 of Law 527/1990, on Inventions, Industrial Designs and Rationalization Proposals.