

## Utility Model Decree

(Decree No. 1419 of December 5, 1991)\*

### TABLE OF CONTENTS\*\*

	<i>Sections</i>
Utility Model Applications and Register of Applications .....	1 to 8
Priority .....	9 to 12
Claim .....	13
Description .....	14
Representations .....	15
Amendments to Utility Model Applications .....	16
Utility Model Register .....	17 to 24
Miscellaneous .....	25 and 26
Entry Into Force .....	27

### *Utility Model Applications and Register of Applications*

1. A utility model application shall comprise an application document and accompanying documents.

2. The application document shall be signed by the applicant or his representative and shall contain:

(1) the applicant's name, domicile and address and, if the applicant has appointed a representative, the name and address of the representative;

(2) the inventor's name and address;

(3) a concise and factual title for the invention to which the application relates;

(4) a statement whether priority under Section 5 of the Law on Utility Model Rights (800/91) is claimed;<sup>1</sup>

(5) where registration of a utility model is applied for by several persons jointly, a statement whether one of those persons is entitled to receive communications from the registration authority on behalf of all applicants;

(6) a list of the documents accompanying the application document.

3. The following documents shall accompany the application document:

(1) a description of the invention together with a representation or representations to illustrate the invention and a claim;

(2) if the applicant has appointed a representative, a power of attorney for the representative;

(3) if the invention has been made by someone other than the applicant, a deed establishing the applicant's title to the invention;

(4) a receipt for payment of the registration fee.

4. If the document is not written in one of the languages laid down in the first paragraph of Section 7 of the Law on Utility Model Rights, the applicant shall also submit to the registration authority a translation of the document into Finnish or Swedish. For a document other than a description or claim, the registration

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\* *Finnish title:* Asetus hyödyllisyysmallioikeudesta.

*Entry into force:* January 1, 1992.

*Source:* Translation by the International Bureau of WIPO on the basis of an English translation furnished by the Finnish authorities.

\*\* Added by WIPO.

<sup>1</sup> See *Industrial Property Laws and Treaties*, FINLAND — Text 2-004 (*Editor's note*).

authority may waive the requirement for a translation or may accept a translation into a language other than Finnish or Swedish.

5. Where a utility model application is the result of conversion from a patent application, the applicant shall state the date on which the patent application forming the basis of the application was filed or is deemed to have been filed and the number of the patent application. The documents required, but excluding the description, claim and representations, shall be transferred *ex officio* from the patent application to such utility model application.

6. The registration authority shall enter on the utility model application the application number and the date on which it was received at the registration authority.

7. The registration authority shall keep a register of utility model applications received. Applications shall be recorded in the register on payment of the registration fee. The register shall be accessible to the public.

The following particulars shall be recorded in the register for each application:

- (1) the date on which the application was received and the application number;
- (2) the classes assigned to the application;
- (3) the name, domicile and address of the applicant;
- (4) where the applicant has appointed a representative, the name, domicile and address of the representative;
- (5) the name and address of the inventor;
- (6) the title of the invention;
- (7) where the application results from conversion of a previously filed patent application, the date on which the patent application was filed or is deemed to have been filed;
- (8) where the priority of an earlier application is claimed, the filing date and serial number of such earlier application;
- (9) the documents filed and fees paid in respect of the application;
- (10) decisions taken in respect of the application.

8. Where the registration authority is notified that an invention for which a utility model right has been sought has been assigned to another person, the latter person shall be recorded as the applicant in the register of applications only if proof of the assignment is furnished.

### *Priority*

9. To enjoy priority under Section 5 of the Law on Utility Model Rights, the applicant must claim priority in the application filed in Finland and therein state where and when the application on which the priority is based was filed and, as soon as possible, its serial number. If the application is the result of conversion under Section 8 of the Law on Utility Model Rights, the claim to priority shall also apply, without separate request, to the new application resulting from conversion.

10. The registration authority may officially request the applicant to prove the claimed priority by submitting to the authority within the prescribed time limit a certificate issued by the authority with which the application whose priority is claimed was filed, stating the filing date of the priority application and the applicant's name and also a copy of the application certified by that same authority. The copy shall be filed in the form prescribed by the registration authority.

11. Priority may only be based on the first application in which the invention was disclosed.

If the person who filed the first application or his successor in title has filed a subsequent application with the same authority, relating to the same invention, the subsequent application may be cited as a basis for priority, provided that at the time of filing of the later application the earlier application had been withdrawn, dismissed or rejected without having become available to the public and without there being any

rights subsisting, and had not served as a basis for priority. Where priority has been obtained on the basis of the subsequent application, the prior application may no longer serve as a basis for claiming priority.

**12.** An application may claim priority deriving from several earlier applications even where they have been filed in different countries.

### *Claim*

**13.** The claim shall contain:

- (1) the title of the invention;
- (2) a statement identifying the art in relation to which the invention is new (prior art), where necessary;
- (3) a statement of the new and characteristic features of the invention.

Each claim may relate to one invention only.

A claim may not contain any matter irrelevant to the invention disclosed therein or irrelevant to the exclusive right claimed by the applicant.

### *Description*

**14.** The description may contain only subject matter that assists in understanding the invention. Where a newly coined word or a technical term that is not generally accepted has to be used, such term shall be explained. The designation and units of measure may not depart from those in general use in Finland.

### *Representations*

**15.** Representation means a drawing, a photograph or similar. The representations shall be accurate enough to clearly disclose the object for which protection is sought. The representations shall be in black and white and shall be reproducible. They may not exceed the size of an A4 sheet.

### *Amendments to Utility Model Applications*

**16.** Claims may not be amended to include subject matter not disclosed in the original utility model application. Where a claim is amended to add new features, the applicant shall at the same time state where those new features are to be found in the basic document.

### *Utility Model Register*

**17.** A utility model shall be recorded in the Utility Model Register provided it meets the requirements set out in the second and third paragraphs of Section 1 and in Sections 6 to 12 of the Law on Utility Model Rights.

The following particulars shall be recorded in the Register:

- (1) the serial number of the application, the serial number of the utility model and the classes assigned to the utility model;
- (2) the name, domicile and address of the proprietor of the utility model;
- (3) the name, domicile and address of the representative, where the owner of the utility model has appointed a representative;
- (4) the name, and address of the inventor;
- (5) the following dates:

- (a) the filing date of the application,
  - (b) the filing date of the patent application, where the utility model application is the result of conversion from a patent application,
  - (c) the date on which the utility model was registered;
- (6) priority, where claimed, together with the place of filing of the application on which priority is based, the filing date of that application and its serial number;
- (7) the title and a representation of the invention.

**18.** The notice under Section 17 of the Law on Utility Model Rights concerning the registration of a utility model shall contain the serial number and classification of the utility model, the title and representation or representations of the invention, the name of the proprietor of the utility model and the serial number of the application.

**19.** Any notification made to the registration authority that a person has filed a claim to have the registration of a utility model declared invalid or has taken legal action to have a utility model right transferred or to obtain a compulsory license shall be recorded in the Register.

The communication of copies of court decisions to the registration authority in accordance with Section 45 of the Law on Utility Model Rights or decisions taken by the registration authority in the cases referred to in the first paragraph concerning claims to have a utility model declared invalid shall be recorded in the Utility Model Register. Once the decision becomes final, a note shall be entered in the Register such that the main findings of the case are apparent in the Register.

**20.** Entries under Sections 28 and 29 of the Law on Utility Model Rights shall include the name, domicile and address of the owner of the right and the date of the transfer or grant of the license or other rights. In the case of a license, it shall be stated, on request, whether the right of the owner of the utility model right to grant additional licenses has been limited.

Where it is not possible to take an immediate decision on whether to make an entry, the fact that a request has been made shall nevertheless be recorded in the Register.

The provisions of the first paragraph, above, shall apply correspondingly to the recording of a compulsory license and a right under Section 1 of the Law on Utility Model Rights.

**21.** Seizure of a patent to cover a debt shall be recorded in the Register when reported.

Any changes reported in respect of a representative shall also be recorded in the Register.

**22.** If the owner of a utility model right states, in accordance with the first paragraph of Section 33 of the Law on Utility Model Rights, that he relinquishes the registration of his utility model and if a license in respect of such utility model is recorded in the Register, the holder of the license shall be notified thereof and shall be afforded a reasonable period of time to assert his right before the utility model is deleted from the Register.

**23.** The renewal of a registration shall be recorded in the Utility Model Register. Notification of renewal shall state the serial number of the utility model, the date on which the renewed term of protection begins and the name and address of the owner of the utility model right.

**24.** Once a registration has lapsed, the registration authority shall remove the utility model from the Register.

Once the utility model has been removed from the Register or the utility model right has been assigned to another person by a final court decision, the registration authority shall notify the fact.

### *Miscellaneous*

**25.** A utility model application shall be classified according to the International Patent Classification system.



26. Notifications in respect of utility models shall be published in a publication issued by the registration authority.

*Entry Into Force*

27. This Decree shall enter into force on January 1, 1992.