

Decree on the Organization of the National Board of Patents and Registration No. 799 of August 21, 1992

Section 3, paragraph 2 and Section 4 amended on March 1, 1994

Sections 1 and 2, Section 4, paragraph 1, subparagraph 4, Section 6, paragraphs 1 to 3, Section 8, paragraph 1, and Sections 11 to 16 amended on March 1, 1995

Organization and duties

Section 1

The National Board of Patents and Registration shall have an Enterprises and Corporations Line, a Patents and Innovations Line and a Trademarks and Designs Line.

In addition the National Board of Patents and Registration shall have a Management Support unit and other units. A Board of Appeal of the National Board of Patents and Registration shall function in connection with the Board.

Stipulations concerning the division into units of the Lines and the duties of these shall be given in standing orders. The standing orders may also contain stipulations on units not belonging to the Lines.

Section 2

In trade register matters, the register offices of jurisdictional districts shall function as the local authorities of the National Board of Patents and Registration. More specific provisions on other duties to be carried out on a regional basis shall be given in the standing orders.

Section 3

The Board of Directors of the National Board of Patents and Registration shall be appointed by the Council of State for a period of three years at a time.

The Board shall consist of a maximum of seven members, of whom one shall be the Director General of the National Board of Patents and Registration and one shall represent the staff of the office. The Council of State shall appoint a chairman and a vice-chairman from among the members of the Board of Directors.

The Ministry of Trade and Industry shall establish the remunerations of the members of the Board of Directors.

Section 4

The task of the Board of Directors is:

- 1) to establish the practical objectives of the operations of the National Board of Patents and Registration and decide on the general outlines for its activity in view of the objectives set for the office;

- 2) to control and supervise the realization of the objectives set for the office;
- 3) to decide on the proposal for a budget and on the operational and financial plan;
- 4) to appoint, on the presentation of the Director General, the Deputy Directors General, one of whom shall be the Senior Deputy Director General and the remaining of them Counsellors of Industrial Property;
- 5) to promote cooperation between the office and the users of its services; and
- 6) to handle other matters of importance to the general operations of the office brought before the Board by the Director General or taken up by the Board itself. A matter relating to an individual application, notice or appeal pending before the office, shall however not be dealt with by the Board.

Section 5

The Board of Directors shall have a quorum when more than half of the members, the chairman of the meeting included, are present.

Should any difference of opinion arise in taking a decision on a case, the case shall be decided by voting. The proposal supported by a majority of those present or, in the event of parity of votes, the proposal supported by the chairman shall become the decision of the Board of Directors.

More specific stipulations in respect of the convening of and handling of matters before the Board shall be issued by the Board.

Staff and their duties

Section 6

The Director General shall act as the head of the National Board of Patents and Registration. He shall be assisted by the Deputy Directors General.

The Lines are divided into units with results responsibility in a manner laid down by the standing orders. The Deputy Directors General shall act as heads of the units with result responsibility in the manner stipulated in the standing orders.

The National Board of Patents and Registration shall have also other staff under the terms of public employment. The National Board of Patents and Registration may also have staff employed on a contractual basis.

The Director General shall decide on the place in the organization of the National Board of Patents and Registration of the offices other than those stated in paragraph 2.

Section 7

The Director General shall conduct the operations of the National Board of Patents and Registration and be responsible for its performance and efficiency and for the achievement of results targeted. He shall follow the general development in the office's field of operations and make proposals for legislative and other reforms. He shall also follow international development in the industrial property rights and related fields. The Director General shall annually submit a report on the operations of the National Board of Patents and Registration to the Ministry of Trade and Industry.

Section 8

The Deputy Directors General and other heads of unit shall assist the Director General in running the office.

Persons in managerial positions in the office shall be responsible for achieving, efficiently and economically, the targets set for the units they are in charge of.

In addition a person in a managerial position shall:

- 1) direct and develop operations in his field and follow the development in the field;
- 2) answer for the planning of the operations and finances of his unit;
- 3) answer for appropriate use of the human and other resources of his unit;
- 4) answer for the communication and information activities called for by his duties;
- 5) answer for development of personnel and for working conditions in his unit;
- 6) further cooperation among his staff.

Proceedings and taking of decisions

Section 9

Decisions on matters falling under the jurisdiction of the National Board of Patents and Registration shall be taken by the Board of Directors, Director General or other official

who has been granted such powers in the standing orders or by decision of the Director General.

Decisions on matters to be dealt with by the Board of Directors shall be taken on presentation. Other matters shall be decided on presentation, unless the standing orders stipulates otherwise.

Specific provisions shall apply to taking decisions on cases before the Board of Appeal of the National Board of Patents and Registration.

Section 10

The Director General shall decide on matters that are not dealt with before the Board of Directors nor the Board of Appeal of the National Board of Patents and Registration or which he has not, in the standing orders or otherwise, delegated to be decided on by another official.

The Director General may in an individual case take up for his own decision a case that otherwise should be decided on by his subordinate.

Section 11

Matters of importance in principle or otherwise falling into the domain of a Line or other unit may be dealt with in the session of the unit concerned as stipulated more specifically in the standing orders.

Qualification requirements for and filling of vacant offices; leave of absence

Section 12

The Director General must have the Master of Laws degree or other degree suited for the office taken at an institute of higher education and he must have good knowledge of administration and economic life as well as managerial skills proved in practice.

The Deputy Director General in charge of the Enterprises and Corporations Line and the Deputy Director General in charge of the Trademarks and Designs Line must have the Master of Laws degree, experience in administrative tasks and familiarity with the field of activity of the office. The Deputy Director General in charge of the Patents Line must have the degree of university graduated engineer or other degree suited for the office taken at an institute of higher education and experience in administrative tasks and familiarity with industrial property rights.

Section 13

The Director General shall be appointed by President of the Republic on the representation of the Council of State without advertising the position as vacant.

The Deputy Directors General shall be appointed the Board of Directors.

Other staff shall be appointed or employed by the Director General, unless otherwise stipulated in the standing orders.

Section 14

When the Director General is prevented from attending to his duties, the Senior Deputy Director General shall take his place.

Other arrangements in respect of substitutes shall be decided on by the Director General.

Section 15

The Director General may be granted a leave of absence by the Ministry of Trade and Industry. A leave of absence that lasts over a year and to which the Director General is not entitled directly under law or collective bargaining agreement, shall however be granted by the Council of State.

The Deputy Directors General may be granted a leave of absence by the Director General. Provisions on the grant of a leave of absence to other officials and on attending to of an office during a leave of absence shall be given in the standing orders.

Miscellaneous provisions

Section 16

Any charges with misconduct in office against the Director General and the Deputy Directors General shall be brought before the Helsinki Court of Appeal.

Section 17

More specific provisions on the organization, the duties and independent powers of decisions of the functional units and the staff as well as proceedings and other arrangements in respect of the operations of the office shall be given in the standing orders.

The standing orders shall be laid down by the Director General.

Section 18

This Decree shall enter into force on 1 March 1995.

This Decree repeals the Decree on the Organization of the National Board of Patents and Registration issued on 19 March 1982 (No. 213/82) with subsequent amendments.

Any action necessary for the implementation of this Decree may be taken before the entry into force of this Decree.