

Act on Inventions of Importance to the Defence of the Country

15.12.1967/551

(Unofficial translation)

(Amendments up to 1997/245 included)

Section 1

An invention which is principally of importance to the defence of the country and which, from the point of view of national defence, it is important to keep secret, may under this Act, after a patent application has been filed for the invention, by government decision be expropriated for public purpose.

A reasonable compensation shall be payable from public funds to the holder of an invention expropriated for public purpose under the first subsection. Where the amount of the compensation is not agreed on, the holder of the invention may bring a separate action for the compensation in the Helsinki District Court.

The provisions concerning patents or patent applications of this Act shall *mutatis mutandis* apply to utility models or utility model applications. In such cases, section 18 of the Utility Model Act shall be applicable in place of the provisions of sections 21 and 22 of the Patents Act.

Section 2

If it is obvious that an invention is principally of importance to the defence of the country, an inventor residing in Finland, or his successor in title, may not apply for or authorise another person to apply for a patent for the invention abroad before an application has been filed for a patent for the invention in Finland and before six months have passed from the date the patent application was filed here.

If it is obvious that an invention is principally of importance to the defence of the country, an inventor residing in Finland, or his successor in title, shall file a European patent application within the meaning of the European Patent Convention (Finnish Treaty Series 8/96) or an international patent application under chapter 3 of the Finnish Patents Act with the Finnish Patent Authority.

Section 3

A person appointed by the Ministry of Defence is authorised to study patent applications filed at the National Board of Patents and Registration.

If it is found that an invention is principally of importance to the defence of the country, the provisions of sections 21 and 22 of the Patents Act shall, at the request of the Ministry of Defence, not be applicable.

If the Government has not within six months of the filing of the application made a decision to expropriate the invention for public purpose, the processing of the application shall be continued in the normal order.

For European patent applications and international patent applications the time limit laid down in the third subsection shall nevertheless be:

(1) where a European patent application is concerned, three months from the date of filing the application with the Patent Authority, or, where priority has been claimed, thirteen months from the date of priority claimed; and

(2) where an international patent application is concerned, three months from the date of filing of the international application, or, where priority has been claimed, twelve months and ten days from the date of priority claimed.

Section 4

Matters relating to inventions referred to in this Act shall by all authorities be dealt with subject to secrecy.

At the request of the Ministry of Defence, applications for patents for inventions referred to in section 1 filed by the Ministry or the proper body of the defence establishment, shall, besides being kept secret, not be entered in the public record either.

Section 5

Patents for inventions which under this Act shall be dealt with subject to secrecy shall be granted without complying with the provisions concerning the making available to the public of an invention of sections 20 to 22, 24 and 25 of the Patents Act, where prerequisites for the grant of a patent otherwise exist.

At the request of the Ministry of Defence, patents referred in the first subsection shall not be entered in the public register of patents.

Section 6

In respect of the right of the defence establishment in its capacity as employer to the inventions made by persons in its service, the special provisions laid down on the right of an employer shall apply.

Section 7

Anyone who has learned about an invention referred to in this Act may not make use of it or disclose what he has learned.

Section 8

Punishment for breach of secrecy obligation provided for in sections 2 and 7 shall be meted out pursuant to chapter 38, section 1 or 2 of the Penal Code, unless the act is punishable under chapter 40, section 5, of the Penal Code or a more severe punishment is provided elsewhere in law.

Section 9

Further provisions on the application and implementation of this Act may, where necessary, be given by the Government.

Section 10

This Act enters into force on 1 January 1968.
