

LAW No. 4325/1963

“On National Defense Patents and amendment to the Law of Patents No. 2527/1920”

PAUL KING OF GREECE

We decide and order the following, as unanimously voted and passed by Parliament:

Article 1

1. All inventions and discoveries developed in Greece or in a foreign country by Greek nationals concerning Greece's national defense, an ally's national defense or this one of a group of allied countries of which Greece is part, may not be transmitted to any domestic or foreign legal or natural entity or disclosed in any way whatsoever in any country, even before such invention or discovery is classified as secret according to articles 2 and 3 herein. Similarly, it is prohibited to transmit or disclose any technical information that can be related in any way whatsoever with such inventions or discoveries.

2. As an exception, the above prohibition shall not apply in the case where there is a specific and mutual agreement between Greece and other interested Countries. In this case, any matter related to information exchange procedure and confidentiality assurances for inventions, discoveries and technical information disclosed from both parties shall be governed by the terms and conditions of said agreement.

3. Any agreement referred to in the previous paragraph 2, which is agreed upon or in process of being agreed upon by

Greece and another NATO country, as well as any relevant procedure of such agreement shall be ratified by Royal Decree issued by the Ministers for Foreign Affairs, National Defense, and Commerce. Any agreement between the aforementioned countries regarding co-operation for weapon development programs shall be ratified by similar Royal Decrees. Any classified agreement and the aforementioned procedures as well shall be ratified upon decision issued by the aforesaid Ministers and shall be published in the Government Gazette.

Article 2

1. Any statement of grant of a patent (patent statement) will henceforth be deposited to a Specific Confidential Invention Office belonging to the Ministry of Commerce which is hereby founded (Industrial Property Department).

2. The documents stated in article 21 of Law of Patents No. 2527/1920 shall be submitted by the inventor himself or by a duly authorized representative.

3. The Specific Confidential Invention Office shall be operated by the Industrial Property Department's employees as well as by other employees working in other services of the Ministry of Commerce according to the provisions of Article 14 herein.

Article 3

1. Within five days – starting from the next day of patent statement's submission mentioned in Article 2- a three-member committee of specialized officers of the Ministry of National Defense, which is appointed and replaced upon decision of National Defense Minister and is chaired by the highest in rank or the most senior member in terms of age, shall control such statements. Those not meeting the provisions of Article 1 herein are referred by means of an act adopted by the said committee to the competent service for further actions, whereas those falling under Article 1 are classified 'as temporarily confidential' by a similar act.
2. In exceptionally difficult circumstances the above five-day deadline may be prolonged up to a maximum of twenty five days by an act of the committee, which shall be notified to the Specific Confidential Invention Office. Where the above period expires without the examination having been completed, the ordinary patent granting procedure shall be applied.
3. The same procedure (paragraph 1 and 2) applies to confidential inventions which have been registered according to article 30 of L. 2527/1920 and article 10 of this Royal Implementing Decree. In such event, the file is stamped following a decision of the committee. The invention is classified as non-confidential and it is referred to the competent service for further actions.

Article 4

1. In the event that a patent statement is classified as temporarily confidential according to article 3, the relevant file is stamped and within five days following the date of its classification, it is forwarded to the competent service of the Ministry of National Defense for final approval or cancellation of this classification.
2. Following the opinion of the above committee, within three months after the five-day period of paragraph 1, the Minister of National Defense shall decide definitely and irrevocably about the classification of this statement.
3. Where the Minister considers that the statement falls under the provisions of article 1, he classifies it as "definitely confidential" and notifies the inventor or his/her representative (authorized person) of his decision. Further, he ensures patent registration under the inventor name to the Ministry of Commerce and he orders the file to be sealed and kept safely.
4. On the contrary, if the above three-month deadline expires without any action, the classification as 'temporarily confidential' is cancelled ipso jure and the file is sent back to the Ministry of Commerce for further actions.

Article 5

1. The patent statements classified as "confidential" as well as the relevant patents shall be filed in specific books (registers) with a serial number similar to those of ordinary books (registers); the pages which remain blank with an indication C - namely Confidential- next to

the serial number, correspond to Confidential Inventions indicating the number of the book and the page of the specific confidential book where they have been filed. The Industrial Property Bulletin of the Government Gazette publishes only the number of the patent with the indication "confidential".

2. The monitoring of confidential patent statements may be conducted only by the inventor himself or a specific attorney duly authorized by the Minister of National Defense pursuant to article 14 herein.

Article 6

According to the provisions of article 1, after the classification of a patent statement as temporarily or definitely confidential, the inventor and any third party shall not disclose or publish in any way whatsoever such statement and its content. Otherwise the penalties described in article 8 shall be imposed.

Article 7

Provided that the conditions of article 1 (2) are met and upon written approval by the Minister of National Defense, the inventor of a confidential patent statement may file such statement in a foreign country so as to obtain in that country a relevant patent

Article 8

1. Those who deliberately and in breach of any of the provisions hereof transfer or disclose inventions or discoveries or technical information in light of article 1 herein, are to be sentenced up to ten years of imprisonment and during wartime to life imprisonment or death, even

if the said statement is not classified as 'temporarily confidential' or 'definitely confidential'. Those penalties shall be equally imposed to those who knowingly obtain illegally such inventions, discoveries or technical information. Such penalties shall apply similarly to employees who knowingly disclose any information regarding the above inventions, discoveries and technical information of which he/she became aware due to his/her duties. Those who negligently violate the above provisions will be subject to imprisonment.

2. The provisions of this article are applicable as well to confidential inventions, discoveries and technical information obtained abroad.

Article 9

1. The Minister of National Defense may, subject to a prior and just compensation of the inventor or his/her heirs and before fixing the amount of said compensation detailed below, use the confidential patent statements for state services and enterprises defined by him.

2. The said reasonable compensation may be defined in any form whatsoever (lump sum payment, per piece of the produced item or a rate of its value etc.) and is determined upon agreement between the Minister of National Defense and the beneficiaries of such compensation.

3. If agreement is not concluded within six months after the patent statement's filing date, the compensation is fixed upon decision of a committee, which is consisted by an appeal court judge (defined as the Chairman), a specialized

high rank officer of the Ministry of National Defense, a high rank employee of the industrial property department of the Ministry of Commerce and a member from the Technical Chamber of Greece. They are appointed together with their alternates by the competent Ministers and the Chairman of the technical Chamber of Greece respectively.

4. The above decision is notified to the inventor or his/her authorized representative and the Minister of National Defense. Within one month following the notification date to each one of them, the receivers may file an appeal against such decision.

5. The appeal is reviewed by a committee consisted by a supreme court judge (as Chairman), one high rank specialized officer, one high rank employee of the Ministry of Commerce and one member of the Technical Chamber of Greece. They are appointed together with their alternates by the competent Ministers and the Chairman of the T.C.G. respectively.

6. Officers are appointed as secretaries to the above committee by the Minister of National Defense. The decisions of this committee shall be taken by a majority of members and the Chairman shall have the casting vote in case of equality of votes. The decisions of the Second Instance Committee are irrevocable and there is neither judicial remedy available against them nor a request for cancellation before the Greek Council of State.

7. The provisions of this article shall apply as well to the confidential inventions obtained abroad.

Article 10

1. When a patent statement is classified as “definitely confidential” and is not used for more than one year after the filing date to the Ministry of Commerce, the inventor is entitled to request a reasonable compensation according to article 9 herein.

2. If the patent statement is used before the expiry of the one-year time limit, the inventor is not entitled to request compensation for the period that such patent statement remained unused.

3. The provisions of this article do not apply to the confidential inventions obtained abroad.

Article 11

Except for the compensation provided for in article 9 and 10, the inventor has no right to claim additional compensation with regard to the classification of his/her statement as “temporarily or definitely confidential”.

Article 12

1. If a confidential patent statement no longer has any interest in terms of defense, the Minister of National Defense lifts its classification as “confidential”, upon opinion of the competent service, orders the notification of this decision to the inventor or his/her authorized representative, and returns the file to the Ministry of Commerce for further actions.

2. Patent statements and technical information obtained abroad remain confidential unless the Government of the State of origin decides to lift such classification; in this case the specific agree-

ments' provisions are in force as well as safety regulations of the hosting country.

Article 13

1. The Minister of National Defense appoints, by contract, specialized or not scientists in order to conduct national defense research projects. Inventions realized in execution of such contract belong to the Greek State.
2. The remuneration of said scientists may be agreed in any way whatsoever, namely in the form of monthly payment, a lump sum amount, per piece of the produced item, a rate of its value or otherwise according to the Minister's judgment.

Article 14

1. Issues relevant to the organization of the services involved in the application of the present Decree, the authorization procedure of attorneys regarding confidential inventions, the placement to existing posts of employees charged with handling confidential statements and relevant documents, as well as the security of those documents and any other detail having regard to the implementa-

tion of this Decree shall be regulated upon decisions of the competent Ministers which shall be published on the Government Gazette, except for those referring to confidential issues.

Article 15

All documents issued for the implementation hereof are confidential, provided that they involve data relating to confidential inventions, discoveries and technical information falling under the present Decree.

Article 16

This Decree shall enter into force upon its publication in the Government Gazette. The Law No.2441/1940, "on National Defense Patents", the Legislative Decree No. 431/1947 "amendment of Law No.2441/1940 on National Defense Patents" are annulled.

This Law was passed by Parliament and We ratify it today. It shall be published in the Government Gazette and shall be implemented as a law of the State.