

MINISTER'S DECISION No. 15928/EFA/1253 (FEK 778, B' of 21.12.1987)

**“Filing of applications for the grant of patents or utility model certificates with
OBI and keeping of record books”**

THE MINISTER OF INDUSTRY, ENERGY, AND TECHNOLOGY

Considering:

1. The provisions of Article 4, paragraph 4, 7 paragraph 11 and article 19 paragraph 14 of Law No. 1733/1987 related to “Technology transfer, inventions, technological innovation and establishment of an Atomic Energy Committee” (Official Journal No. 171, A’);
2. The provisions of Law No. 1558/1985 related to “Government and Governing Bodies”;
3. The proposal of the Administrative Council of OBI concerning filing of applications with OBI for the grant of patents or utility model certificates and for keeping the books according to the minutes (No. 3), dated 22.12.1987, of the third session of the Administrative Council of OBI,

decides on the following:

CHAPTER ONE

GENERAL PROVISIONS

Article 1

Definitions

The following are meant for the application of this decision:

- a. By the name “OBI” the Industrial Property Organisation (OBI), with seat in Athens (Law No. 1733/1987).
- b. By the name “Patent application”, the application for the grant of a patent.
- c. By the name “Utility model certificate application”, the application for the grant of a utility model certificate.

Article 2

Working days

The number of the working days for OBI is identical to those followed by the Ministry of Industry, Energy, and Technology.

Article 3

Representation

1. The right of appearing in person or filing documents before OBI is attributed to the beneficiaries of patent applications or utility model applications or to their representative lawyer.
2. The representative lawyer shall justify his authorisation by submitting to OBI a power of attorney [¹].
3. If the applicant of a patent or utility model certificate has no residence or seat in Greece, he shall nominate a representative and declare that he will be submitted to the jurisdiction of the Courts of Athens.

¹ Paragraph 2 of Article 3 is cited as replaced by Article 1, par. 1 of Ministerial Decision 3111/EFA/433

CHAPTER TWO

FILING OF A PATENT APPLICATION

Article 4

Filing of the application

1. The patent application shall be filed with OBI in duplicate and shall meet the prerequisites of article 7, paragraphs 1 and 2 of Law No. 1733/1987. The description, the claims and the abstract may be filed either in Greek, or in English, in French or in German. In the second case the translation shall be provided within four months as provided by article 7, paragraph 9 of Law No. 1733/1987. According to article 7, paragraph 2 of Law No. 1733/1987, the applicant may also provide any eventual explanation if necessary within the said period.
2. OBI provides the application form for the completion of the prerequisites of the relevant subject matter of the application for the grant of patents or utility model certificates. The form and the content of these application forms are determined by decision of the Administrative Council of OBI.
3. The patent application can be also filed by a registered letter. In this case, as filing date is considered the date of receipt of the application by OBI.
4. The filing of the patent application and of all necessary (accompanying) documents and elements according to the provisions of the law, may be also effected by facsimile (fax) transmission. In the case where use of the facsimile (fax) transmission is made, all documents transmitted must be clean and completely legible; the originals, duly signed by the applicant, must reach OBI within ten (10) working days from the day of the respective facsimile (fax) reception by OBI. Should the above conditions are met, the day of reception by facsimile (fax) of the application and rest documents by the responsible service of OBI is considered as the filing date. Reception of the facsimile (fax) by OBI is proved by a receipt which is sent by OBI to the applicant or his representative, on the same day, by facsimile (fax) or other means [²].

Article 5

Description of the Invention

1. The description of the invention shall first state the title of the invention mentioned in the patent application.
2. The description shall:
 - a. Determine the technical field to which the invention relates.
 - b. Indicate the state of the previous art which according to the applicant's opinion, can be regarded as useful for understanding the invention. Eventual documents reflecting the state of the previous art may be noted in the description.
 - c. Determine the invention, as defined in the claims by appropriate technical terms so that the problem and its solution can be understood.
 - d. present the advantages of the invention, if any, in relation to the previous state of the art.
 - e. Briefly describe the figures in the drawings, if any.
 - f. Define in details one way at least of carrying out the invention claimed using examples.

² Paragraph 4 of Article 4 as replaced by Article 1 par. 2 of Ministerial Decision 3111/EFA/433

g. Explicitly clarify the way in which the invention can be applied in industry.

Article 6
Claims of invention

1. The claims of the invention define the extent and the content of the required protection based on the technical features of the invention.

2. Wherever appropriate the claims shall contain:

a. A statement indicating the designation of the subject matter of the invention, and those technical features which are necessary for the definition of the subject matter and which in combination are part of the state of the art.

b. A characteristic part stating the technical features of the invention which, in combination with sub - paragraph (a) determine the required protection.

3. The patent application shall contain one at least or more claims. If there are more than one claims, they shall be numbered consecutively in arabic numerals.

4. The claim referring to the main features of an invention (main claim) may be followed by another or other particular claims containing all the features of other claims (dependent claims).

5. In the beginning of the dependent claim there is mentioned, if possible, the principal or dependent claim or claims to which it relates and then the additional features for which protection is sought.

6. Claims shall not rely on references to the description or drawings, such as: "as described of the description", or "as illustrated in figure of the drawings".

7. The patent application may, in particular, include:

a. A main claim for a product, a main claim for the method of production and a main claim for the use of said product, or

b. A main claim for the method, a main claim for a mechanism or means specifically designed for carrying out the method, or

c. A main claim for a product, a main claim for the method for the production and a main claim for a mechanism or means for carrying out the method.

Article 7
Abstract of the invention

1. The abstract shall indicate the title of the invention and contain a brief mention of the information stated in the description, in the claims and in the drawings. In particular, it contains:

a. The definition of the technical field to which the invention relates thus facilitating its classification.

b. Reference to the way of solving the technical problem of the invention concerned.

c. The principal use or uses of the invention.

d. The chemical formula which characterises the invention, if any.

2. The abstract shall not contain statements of the alleged merits or awards for the evaluation of the invention.
3. If possible, the abstract shall not exceed one hundred and fifty words.
4. The abstract must refer to the drawings accompanying the application, if any.

Article 8

Form of the drawings

1. The usable surface area shall not exceed 26,2 cm x 7 cm. These sheets shall not contain frames around the used surface.
2. The minimum margins around the drawing shall be as follows:
 - a. Top: 2,5 cm
 - b. Left side: 2,5 cm
 - c. Rights side: 1,5 cm
 - d. Bottom: 1,0 cm
3. The drawings shall be subject to the following limitations:
 - a. Drawings shall be executed in black lines and durable signs. The lines shall be dense, well defined, uniformly thick, without colourings.
 - b. Cross-section shall be indicated by hatching which should not impede the clear reading of the leading lines.
 - c. The scale of the drawings and their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would be carried out.
 - d. Numbers, letters and reference signs may be used specifying the drawings. Brackets, circles, or inverted commas shall not be used in association with numbers and letters. The height of the numbers and letters shall not be less than 0,32 cm. For the lettering of drawings the Latin and Greek alphabets shall be used.
 - e. The lines of the drawings shall be drawn with the aid of drafting instruments.
 - f. Drawings shall be numbered consecutively in arabic numerals independently of the numbering of the sheets.
 - g. Diagrams are considered as drawings.

Article 9

Presentation of the documents of the application

1. The documents of the application form of the patent or the utility model certificate shall be susceptible to reproduction by photography, electrostatic processes, photo offset, and micro-filming to an unlimited number of copies. The sheets shall be free from cracks, creases, and folds. Only one side of the sheet shall be used.
2. The documents shall be on A4 paper (29,7 cm x 24 cm), white smooth, matt, pliable and durable. Each sheet shall be used from the top to the bottom. (Upright position).
3. Each document shall commence on a new sheet. The sheets shall be connected with clips in such a way that they can be easily separated.
4. Subject to article 8, paragraph 2 of the present decision, the minimum margins shall be as follows:

- a. Top: 2,0 cm
- b. Left side: 2,5 cm
- c. Right side: 2,0 cm
- d. Bottom: 2,0 cm

The maximum margins of the sheets shall be as follows:

- a. Top: 4,0 cm
- b. Left side: 4,0 cm
- c. Right side: 3,0 cm
- d. Bottom: 3,0 cm

5. All application sheets must be numbered in consecutive arabic numerals. The numerals shall be placed at the top of the sheet, in the middle but not in the top margin.
6. The lines of each sheet of the description and of the claims shall be numbered in sets of five. The numbers shall be noted on the left side to the right of the left margin.
7. All documents shall be typed or printed. Only graphic symbols and chemical or mathematical formula may be written by hand. The characters shall be in dark colour.
8. Units of measures shall be expressed in terms of the metric system. Temperatures shall be expressed in Celsius degrees. For the other physical values the units recognised in international practice shall be used.
9. The terminology and the signs of the application shall be consistent.
10. The sheets shall be free from erasures, overwritings and interlineations.

CHAPTER THREE

FINAL DISPOSITIONS

Article 10

Registration of the patent application

The patent application shall be recorded in the Register Book, Volume A', "National applications", by proportional application of the dispositions of articles 2 and 3 of the Law No. 4325/1963 on "the inventions concerning the national defence of the country".

Article 11

Utility model certificate application

1. The dispositions of the present decision, with the exception of article 10, are applied also to the utility model certificate applications.
2. The utility model application or the declaration for the conversion of a patent application to utility model application is recorded in the application Register Book with the indication "Utility Model Certificate Applications".

Article 12

Practice details

Regulations on keeping the Register Books and on other formal procedures for the filing of the patent or utility model applications are set by decision of the Administrative Council of OBI.

Article 13

Entry into force

The entry into force of the present decision shall start as from the date of its publication in the Official Journal of the Government.

The present decision shall be published in the Official Journal of the Government.