

MINISTERIAL DECISION No. 10374/GG B 1594, 04.08.09

**“Procedure of search report or final search report drawing by the
Industrial Property Organization (OBI)”**

THE MINISTER OF DEVELOPMENT

With regard to:

1. Presidential Decree no 27/1996 (Government Gazette A 19/1.2.1996) "Merger of the Ministries of Tourism, Industry, Energy and Technology and Commerce into the Ministry of Development" and Presidential Decree no. 122/2004 "Re-establishment of the Ministry of Tourism" (Government Gazette A 85/17.3.2004).
2. Presidential Decree no. 248/89 "Organization of General Secretariat for Research and Technology" (Government Gazette A 116/10.5.1989), as amended by Presidential Decree no. 179/92 (Government Gazette A 81/26.5.1992), Presidential Decree no. 147/94 (Government Gazette A 99/4.7.1994) and Presidential Decree no. 128/97 (Government Gazette A 115/9.6.1997).
3. The provisions of article 90 of the Code ratified by the first article of Presidential Decree no. 63/2005 "Codification of Law on Government and Government Bodies" (Government Gazette A 98/22.4.2005).
4. The provisions of article 8 par. 3, 9 and 10 of Law no. 1733/1987 "Transfer of technology, inventions, technological innovations and establishment of the Greek Atomic Energy Commission" (Government Gazette A 171/22.9.1987).
5. Presidential Decree no. 4/09 "Nomination of Ministers, Alternate Minister and Deputy Ministers (Government Gazette A 2/8.1.2009).
6. The cooperation agreement between the European Patent Organization and the Greek Industrial Property Organization signed in Munich, on 22 October 2008, along with the implementing provisions supplementing it.
7. The fact that from the provisions hereof no burden is generated on the state budget.
8. The minutes of the meeting no. 13/31-10-2008 of OBI's BoD regarding the "Final cooperation agreement between OBI and EPO".

WE HEREBY DECIDE:

CHAPTER ONE

GENERAL PROVISIONS

Article 1

Purpose

The purpose of this decision is to define the process for search report or final search report drawing by the OBI, as well as to draw remarks or brief explanatory comments accompanying them.

Article 2

Application scope

This Ministerial Decision applies to the applications for grant of patents filed with OBI, in application of article 5 et seq. of Law no. 1733/1987 "Transfer of technology, inventions, technological innovation and establishment of Greek Atomic Energy Commission" (Government Gazette 171, A).

Article 3

Definitions

For the implementation of this decision, the following phrases shall have the following meanings:

- a) Law no. 1733/1987 shall be the Law no. 1733/1987 "Transfer of technology, inventions, technological innovation and establishment of Greek Atomic Energy Commission" (Government Gazette 171, A), as applicable.
- b) "OBI" shall be the Industrial Property Organization having its registered office in Athens (article 1 of Law no. 1733/1987).
- c) "Ministerial Decision no. 15928/EFA/1253", shall be the Ministerial Decision no. 15928/EFA/ 1253 "Filing of application for the grant of patents or utility model certificates with OBI and keeping of record books" (Government Gazette 778 B dated 31.12.1987).
- d) "Patent" shall be the certificate granted by OBI in accordance with article 8 of Law no. 173/87 (Government Gazette 171, A).
- e) "Revision Act" shall be the Revision Act of the Convention on European Patents (European Patent Convention of 5 October 1973, amended on 17 December 1991) of 29 November 2000 which was ratified by Greece with the Law no. 3396/2005 (Government Gazette 246, A).
- f) "EPO" shall be the European Patent Office as defined in the Convention and the Revision Act.
- g) "Convention 2000" shall be the consolidated text of the European Convention along with the Revision Act, as published in the Official Journal of the EPO (No 1/2007).
- h) "Cooperation Agreement" shall be the Cooperation Agreement between the European Patent Organization and the Greek Industrial Property Organization signed in Munich, on 22 October 2008.
- i) "Implementing provisions" shall be the implementing provisions for the examination instructions of EPO, as well as the international research and preliminary examination instructions for the drawing of search reports and written opinions on the Greek applications for patents' granting by the European Patent Office signed in Munich on 22 October 2008, which supplement the "Cooperation Agreement".

CHAPTER TWO

SEARCH REPORT DRAWING PROCESS

Article 4

Competent Authority

1. In application of article 8 of Law no.1733/1987, the authority that is competent to draw any type of search reports or final search reports shall be OBI.
2. During elaboration of these types of search reports, OBI may request the EPO, on its account, to conduct searches that are necessary for drawing the search reports in application of the Cooperation Agreement.

Article 5

Search Report or Final Search Report

1. For any application for patent granting, OBI shall draw a report that is based on the invention's description, the claims and the drawings attached, stating all details of the current state of the art that are necessary for assessing the new character and the inventive step of the invention. In this case, such report shall be called simple search report (SSR).
2. In application of article 8 para. 6 of Law no. 1733/1987, OBI, based on the applicant's comments, shall draw, following the search report of the aforementioned paragraph, a final search report.

Article 6

Search report with a written opinion or final search report with a written opinion

1. In application of article 8 par. 3 of Law no. 1733/1987, the search report drawn by OBI may be accompanied by remarks or brief explanatory comments referring to the invention features, namely the new character of the invention, its inventive step and the industrial application potential. In this case, such search report shall be called search report with a written opinion (SRWO).
2. In application of article 8 para. 6 of Law no. 1733/1987, OBI, based on the applicant's remarks, shall draw, following the search report with a written opinion of the aforementioned paragraph, a final search report with a written opinion.

Article 7

Methods for drawing the search report with a written opinion

The search report with a written opinion shall be drawn by OBI pursuant to the applicable implementing provisions of the instructions for examination before the EPO. Such instructions shall be attached hereto and constitute integral part hereof.

Article 8
Statement of the applicant

1. The person applying for patent granting shall state before OBI, within four months from the filing of the application, whether (s)he chooses a simple search report (SSR) or a search report with a written opinion (SRWO) and shall pay the relevant fees.

2. In case of non-timely payment of fees, article 8 par. 4 of Law no. 1733/1987 shall apply.

CHAPTER THREE

FINAL PROVISIONS

Article 9
Transitional Provision

1. For patent granting applications filed with OBI and accepted for filing until 31.08.2009, OBI shall draw simple search reports (SSR).

2. Search reports with a written opinion (SRWO) shall be drawn in case of patent granting applications filed with OBI and accepted for filing as of 1 September 2009 and afterwards, if stated by the applicant, in accordance with article 8 of this Ministerial Decision.

Article 10
Effective date

This decision shall enter in effect upon its publication with the Government's Gazette.

This decision is to be published in the Government's Gazette.