

Law No. XXXII of 1995 on Patent Attorneys

Duty of a Patent Attorney

Article 1

(1) The patent attorney shall have the duty to help his clients to enforce their rights and to meet their obligations in industrial property matters; in the course of this he shall act, on commission or on *ex officio* designation, as representative in industrial property matters before the competent courts, shall draft petitions, contracts and documents, shall carry out searches and shall give expert opinion, advice and information in industrial property matters.

(2) In the application of [paragraph 1](#), industrial property matters are the following:

(a) procedures within the competence of the Hungarian Patent Office relating to patents, utility model protection, industrial design protection, topography protection, trademarks and appellations of origin, and the related appeal proceedings;

(b) proceedings relating to patent and utility model compulsory licences, to the existence of the right of prior use, as well as proceedings instituted for the infringement of inventions and patents, or for the infringement of utility models and utility model protection;

(c) proceedings instituted for the unlawful borrowing of an industrial design or for the infringement of design protection;

(d) proceedings instituted for the infringement of a topography or topography protection, or for the infringement of copyright for computer programs or for the related documentation;

(e) proceedings instituted for trademark infringement and for the infringement of the protection of appellations of origin;

(f) proceedings relating to authorship, entitlement and remuneration in connection with the rights under [points \(a\) to \(e\)](#);

(g) procedures relating to innovations;

(h) procedures relating to intellectual creations usable within wide social circles and not belonging to the public domain, protected under the Civil Code and not coming under the ruling of special legislation;

(i) procedures relating to the protection due to persons in respect of their economic, technical and organizational knowledge of financial value (know-how), and

(j) proceedings instituted for the infringement of a business secret, for slavish imitation and for the deception of consumers with respect to intellectual creations, knowledge and experiences under [points \(a\) to \(e\)](#) and [\(g\) to \(i\)](#).

Conditions for Acting as a Patent Attorney

Article 2

(1) Any person who is a member of the Chamber of Patent Attorneys ([Article 28](#)) may act as patent attorney.

(2) The entitlement to admission to the Chamber of Patent Attorneys shall be subject to the following conditions:

(a) being of Hungarian nationality,

(b) having a domicile in Hungary,

(c) having a clean record,

(d) holding a university degree in engineering or an equivalent degree taken at the faculty of natural sciences, and

(e) having passed the examination of patent attorneys.

(3) Admission to the Chamber of Patent Attorneys shall require:

(a) liability insurance of patent attorneys or membership in the Insurance and Benefit Association of Patent Attorneys, unless the attorney works at an economic organization in accordance with [Article 6\(2\)](#).

(b) residence or premises apt for carrying on patent attorney activity, unless the attorney works at an economic organization in accordance with [Article 6\(2\)](#), or is employed in accordance with [Article 7\(2\)](#) or [Article 10\(2\)](#).

(4) No one shall be admitted to the Chamber of Patent Attorneys

(a) who is forbidden to practise as a patent attorney,

(b) who is under disciplinary punishment involving exclusion from the Chamber of Patent Attorneys,

(c) who is under guardianship limiting or excluding capacity of action,

(d) who works for an authority or court proceeding in industrial property matters.

Article 3

(1) Before commencing with his activity, the patent attorney has to take an oath before the President of the Chamber of Patent Attorneys.

(2) The wording of the patent attorney oath is as follows: "I, hereby swear I will be faithful to the Republic of Hungary; I will practise my profession on behalf of my clients conscientiously, by observing the Constitution and the constitutional laws; I will keep the secrets that come to my knowledge, I will arrange the affairs entrusted to me to the best of my knowledge, and I will not fail to do anything necessary for handling them successfully or for safeguarding the legitimate interests of my clients."

Patent Attorney Examination

Article 4

(1) Any person who fulfils the conditions laid down in [Article 2\(2\)\(a\) to \(d\)](#), has an advanced level industrial property qualification prescribed by special legislation and has practised not less than three years as a patent attorney candidate may take a patent attorney examination.

(2) The examination shall be passed before the Board of Examiners at the Hungarian Patent Office; the question of admission to the examination shall be decided by the president of the Board.

(3) Against the decision refusing the request for admission to the examination the applicant may bring an action in the court within thirty days from delivery of the decision.

(4) Detailed provisions on the patent attorney examination shall be determined by special legislation.

Cessation of Membership in the Chamber of Patent Attorneys

Article 5

Membership in the Chamber of Patent Attorneys shall cease

- (a) if the patent attorney so requests in writing,
- (b) if he is prohibited from public affairs or from the patent attorney profession by a final judgment,
- (c) if he is inflicted by a final decision a disciplinary punishment involving exclusion from the Chamber of Patent Attorneys,
- (d) if he loses his Hungarian citizenship or no longer has his domicile in Hungary,
- (e) if he is placed under guardianship limiting or excluding capability of action,
- (f) if he continues to work for an authority or court proceeding in industrial property matters,
- (g) if his liability insurance or membership under [Article 2\(3\)\(a\)](#) ceases,
- (h) if his right of disposal of the appropriate flat or premises under [Article 2\(3\)\(b\)](#) ceases, or
- (i) if he dies.

Forms of Organization of Patent Attorney Activity

Article 6

- (1) A patent attorney,
 - (a) as an individual patent attorney,

(b) in a patent attorneys' office, or

(c) in a limited liability partnership (hereinafter referred to as "patent attorneys' partnership") may represent clients.

(2) An economic organization may engage a patent attorney to handle its own industrial property matters and to undertake its representation.

Patent Attorneys' Office

Article 7

(1) A patent attorneys' office is an organization of patent attorneys having the status of a corporate body, which has at least two members acting as patent attorneys.

(2) A patent attorneys' office may engage a patent attorney in employment as well.

(3) On the basis of a commission given to the patent attorneys' office or on designation both a patent attorney member and a patent attorney employee may act as representative.

Article 8

(1) A patent attorneys' office shall be established by registration at the Chamber of Patent Attorneys and shall work under its statutes.

(2) The statutes of the patent attorneys' office shall be attached to the request for registration; the subsequent amendments of the statutes shall also be presented to the Chamber of Patent Attorneys.

(3) Should the statutes be contrary to law, the Chamber of Patent Attorneys shall return it for amendment to the patent attorneys' office within thirty days.

(4) The main organ of the patent attorneys' office shall be the assembly of all the members; the assembly shall have the exclusive competence to establish and amend the statutes, to elect the head and to decide on the cessation of the office's existence.

(5) The patent attorneys' office shall be represented by the head.

(6) The patent attorneys' office may run a sub-office.

Article 9

(1) A patent attorneys' office shall cease to exist by virtue of the decision of the assembly by merger, dissolution or without successor in title.

(2) In the case of dissolution or cessation without successor in title the assembly shall decide on the distribution of the assets of the office.

(3) For the debts of the patent attorneys' office ceased without successor in title the members shall be liable to the extent of their shares of the assets of the office.

Patent Attorneys' Partnership

Article 10

- (1) Patent attorney activity may be carried out in a patent attorneys' partnership
 - (a) if the partnership performs exclusively patent attorney tasks,
 - (b) if the members of the partnership are all natural persons of whom at least two are patent attorneys,
 - (c) if at least two thirds of the registered capital of the partnership are constituted by the original deposits of the members who have the vote of the same proportion,
 - (d) if the leading officer of the patent attorneys' partnership and at least two thirds of the officers are patent attorney members.
- (2) A patent attorneys' partnership may engage a patent attorney in employment as well.

Article 11

- (1) For the purpose of registration the Chamber of Patent Attorneys shall be notified of the foundation of a patent attorneys' partnership within thirty days following registration at the Companies Court.
- (2) On the basis of a commission given to a patent attorneys' partnership or on designation both a patent attorney member and a patent attorney employee may act as representative.

Employment of a Patent Attorney by an Economic Organization

Article 12

- (1) A patent attorney employed by an economic organization under [Article 6\(2\)](#) — as a full-time or part-time worker, in civil service or in a membership relation — shall represent the economic organization on the basis of this legal relationship without any special authorization.
- (2) The patent attorney of an economic organization may also represent clients within the limits set in [Article 6\(1\)](#) and according to the applicable conditions, if the economic organization does not prevent him from doing so.

Obligations of a Patent Attorney

Article 13

- (1) A patent attorney is obliged to act conscientiously and to the best of his knowledge in the affairs entrusted to him, to keep the prescriptions of the Code of Conduct of Patent Attorneys and to show conduct worthy of the patent attorney profession.

(2) In the course of his proceedings before a court or other authority, a patent attorney shall prove his identity by a card bearing his photo and issued by the Chamber of Patent Attorneys.

Article 14

(1) With the exception of scientific, artistic, literal, educational and sporting activities, a patent attorney shall not be in any other employment or in service relations, and shall not be engaged in any other gainful employment except for the foregoing, further arbitrational activity and public activity not qualifying as service relation.

(2) Any person who was previously employed by an authority or court proceeding in industrial property matters, may not act as patent attorney before the authority or court by which he was employed for one year after the termination of that legal relationship.

Article 15

(1) A patent attorney shall be under secrecy obligation with respect to all facts and data that come to his knowledge in connection with his activity as patent attorney; this obligation shall remain even after the termination of his activity as patent attorney.

(2) The secrecy obligation shall extend to those documents of patent attorneys' organizations that contain facts and data subject to patent attorney secrecy.

(3) The client and his successor in title, respectively, may grant exemption from the secrecy obligation.

Rules of the Representation of Clients

Article 16

(1) A patent attorney representing clients [[Article 6\(1\)](#)] shall accept any order from third parties against his client, and against his former client only in the event of the order not being in connection with the previously handled affair of his former client.

(2) A patent attorney is not obliged to accept an order; if he declines an order, the client must be notified immediately.

(3) A patent attorney may denounce the accepted order in writing at any time, with effect from the fifteenth day after notice to the client; the patent attorney is also obliged to take all steps necessary for safeguarding the rights and legitimate interests of the client during the period of denunciation.

(4) The client may limit the order at any time or may denounce it with immediate effect.

(5) Should the client die or should the legal entity cease without a successor in title, the patent attorney shall immediately notify the persons known to him who may have rights or obligations relating to the order; the foregoing and the denunciation of the order by either party shall be notified by the patent attorney to the court or other authority before which the procedure is in course.

Article 17

(1) The order shall be accepted by the patent attorney on behalf of the patent attorneys' office and patent attorneys' partnership. The contract for the patent attorneys' fees shall also be concluded by him.

(2) The amount of the patent attorneys' fees and the mode of payment shall be subject to free agreement.

(3) By virtue of the designation of a court or another authority, a patent attorney representing clients shall be obliged to represent the client as protector patent attorney or trustee; in justified cases the patent attorney may ask to be exempted from the designation.

(4) The rules of the Code of Civil Procedure shall apply to the designation and legal status of patent attorneys.

Article 18

(1) On accepting the order given by the client, the patent attorney is obliged to brief the case, except for counselling; the brief shall contain the important circumstances including fees and costs to be expected, and shall be signed by the client.

(2) The written power of attorney shall be valid if signed by the client; the patent attorney shall countersign the power.

(3) The power of attorney shall authorize the patent attorney to perform all acts involved by the regular handling of the case entrusted to him, including the taking over of documents, money and other assets as well.

(4) The limitation of the patent attorney's authorization vis-à-vis the court or other authorities and third parties shall have effect only where the limitation appears from the authorization itself.

(5) The patent attorney shall handle the case in person; however, he shall be entitled to call in a deputy patent attorney, a lawyer or a patent attorney candidate if this is not excluded by the client.

Article 19

(1) At the request of the client the patent attorney shall be obliged to give an acknowledgement of receipt of the documents received from the client, and to return the originals on termination of the order, unless they were enclosed to a document filed with a court or with another authority.

(2) The patent attorney shall not be obliged to give out the power of attorney, his drafts, the brief, the documents containing the instructions of the client, the letters addressed to him by the client in the case, the quittance or receipt of payments effected on behalf of the client, as well as other documents certifying the legality of his acts; at the request and at the expenses of the client he shall, however, be obliged to provide copies thereof.

(3) The patent attorney shall be obliged to notify the client immediately of any sums or values received on behalf of the client.

(4) The patent attorney may recover the amount of claims due to him by virtue of patent attorney's fees, lumpsum costs and disbursements, respectively, by setting it against the sums received; he shall be obliged to notify his client in writing of his exercising the right of set-off.

Article 20

(1) The patent attorney shall be obliged to keep a file or a record of the case handled by him that shall enable his deputy or successor to continue the case.

(2) The patent attorney shall be obliged to keep the documents of the cases terminated for five years from the termination of the order; a record shall be drawn up of the selection of documents for destruction which shall be kept for further five years.

(3) During his mandate as member of Parliament or as mayor and in other justified cases the patent attorney may suspend his activity as patent attorney; in the event of suspension he shall see to it that the rights and legitimate interests of his clients are not injured in the course of the ongoing orders.

Financial Liability

Article 21

(1) For the damages caused to the client in connection with the patent attorney's order, the individual patent attorney, the patent attorneys' office or the patent attorneys' partnership is liable under the provisions of the Code of Civil Procedure.

(2) To the financial liability of a patent attorney being a member of a patent attorneys' office or of a patent attorneys' partnership, the provisions of the statutes and those of the memorandum of association, respectively, and to the financial liability of a patent attorney being an employee of a patent attorneys' office or of a patent attorneys' partnership, the provisions of the Code of Labour shall be decisive.

Disciplinary Responsibility

Article 22

(1) Any patent attorney who reprehensibly violates his obligations deriving from his activity as patent attorney, commits a disciplinary offence.

(2) The disciplinary punishments that may be imposed on a patent attorney committing a disciplinary offence are as follows:

- (a) reprimand,
- (b) severe censure,
- (c) fine,
- (d) exclusion from the Chamber of Patent Attorneys.

(3) The maximum amount of the fine imposed may be ten times more than the basic salary of public servants. The fine shall be paid to the Chamber of Patent Attorneys.

Article 23

(1) When imposing a disciplinary punishment, the mitigating and aggravating circumstances must be taken into consideration, in particular the gravity and repetition of the breach of duty, the degree of negligence and the damages caused.

(2) If the negligence of the patent attorney is of lesser degree, and the breach of contract has had no consequences or the consequences are of minor importance, the disciplinary procedure and the imposition of disciplinary punishment may be omitted, but the patent attorney may be bound to pay the costs incurred with the proceedings.

Article 24

(1) If there is a well-founded suspicion of the commission of a disciplinary offence, a disciplinary action shall be instituted against the patent attorney by the President of the Chamber of Patent Attorneys.

(2) In disciplinary matters the disciplinary committee of the Chamber of Patent Attorneys shall proceed through a body of three of its members.

(3) Detailed rules of the disciplinary procedure shall be laid down in the Disciplinary Regulation issued by the Chamber of Patent Attorneys.

(4) The patent attorney subjected to disciplinary procedure may bring before the court an action against the decisions of the disciplinary committee within thirty days from delivery. In the procedure the Metropolitan Court shall have jurisdiction, and the provisions governing administrative litigation (Code of Civil Procedure, **Chapter XX**) shall apply.

(5) The court may annul or alter the decisions of the disciplinary committee, and may order the disciplinary committee to start a new procedure if need be.

(6) The patent attorney subjected to the disciplinary procedure may be represented by a patent attorney as well.

(7) The decision of the disciplinary committee against which no action was brought shall become final after thirty days from the delivery.

Article 25

(1) No disciplinary procedure may be conducted if the President of the Chamber of Patent Attorneys does not institute the procedure within three months from the date on which the act or the omission has become known, or if three years elapsed since the commission of the act or of the omission.

(2) A disciplinary offence that constitutes a crime shall become statutebarred together with the crime.

(3) A disciplinary punishment shall have effect in the case of reprimand and severe censure for one year, in the case of fine, for three years, and in the case of exclusion, for five years from the date on which the disciplinary decision has become final.

(4) The final disciplinary decision shall be kept by the Chamber of Patent Attorneys until the punishment is effective.

Patent Attorney Candidate

Article 26

(1) The individual patent attorney, the patent attorneys' office, the patent attorneys' partnership and the economic organization employing a patent attorney [[Article 6\(2\)](#)] may employ as a patent attorney candidate any person who has been entered on the list of patent attorney candidates.

(2) Upon request, any person shall be entered on the list of patent attorney candidates kept with the Chamber of Patent Attorneys

(a) who is of Hungarian nationality,

(b) who has domicile in Hungary,

(c) who has a clean record,

(d) who holds a university degree in engineering or an equivalent degree taken at the faculty of natural sciences, and

(e) who proves that he has concluded a preliminary contract for being employed as patent attorney candidate.

(3) No one shall be entered on the list of patent attorney candidates

(a) who is under disciplinary punishment involving deletion from the list of patent attorney candidates,

(b) who is under guardianship limiting or excluding his capacity of action.

(4) Any person shall be deleted from the list of patent attorney candidates

(a) who so requests in writing,

(b) whose employment as patent attorney candidate terminates and who does not prove before the Chamber of Patent Attorneys the establishment of a further employment relation within three months from the termination,

(c) who is prohibited from public affairs by a final judgment,

(d) who is inflicted by final judgment a disciplinary punishment involving deletion from the list of patent attorney candidates,

(e) who loses his Hungarian citizenship or no longer has his domicile in Hungary,

(f) who is placed under guardianship limiting or excluding capacity of action,

(g) who dies.

Article 27

(1) The patent attorney candidate shall be entitled to proceed before a court and any other authority in accordance with the instructions of his employer; a patent attorney candidate shall not proceed before the Supreme Court.

(2) To the obligations and disciplinary responsibility of patent attorney candidates the provisions relating to patent attorneys shall apply *mutatis mutandis*, with the difference that the disciplinary punishments to be imposed on a patent attorney candidate committing disciplinary offence are the following:

- (a) reprimand,
- (b) severe censure,
- (c) deletion from the list of patent attorney candidates.

Chamber of Patent Attorneys

Article 28

(1) The Chamber of Patent Attorneys is a public body of patent attorneys.

(2) The Chamber of Patent Attorneys has a country-wide field of activity, its headquarters are in Budapest.

(3) The Chamber of Patent Attorneys performs the public tasks specified in this Law, as well as represents the interests and safeguards the rights of patent attorneys, watches over the fulfilment of the patent attorneys' obligations and upholds the good reputation of the patent attorney profession.

(4) The Chamber of Patent Attorneys shall take part, and shall have the right to express its opinion, in the preparation of legislation affecting the patent attorney activity; it shall be entitled to give its opinion on general issues concerning the protection of industrial property and to present proposals to the competent State organs.

(5) The operating expenditures of the Chamber of Patent Attorneys shall be covered by the subscription of the members and by other incomes.

Article 29

(1) A member of the Chamber of Patent Attorneys

(a) may take part, and shall be entitled to vote, in the assembly of the Chamber of Patent Attorneys,

(b) may be elected to any post unless he is under disciplinary punishment,

(c) may submit proposals and observations to any organ of the Chamber of Patent Attorneys.

(2) Members of the Chamber of Patent Attorneys

(a) must keep the prescriptions laid down in the regulations issued by the Chamber of Patent Attorneys,

(b) must pay the subscription within the specified time,

(c) must keep the Chamber of Patent Attorneys informed of the form and place of his activity as patent attorney, as well as of any change thereof.

Article 30

An action before the court against decisions of the Chamber of Patent Attorneys refusing admission as patent attorney, rejecting a request for entry on the list of patent attorney candidates and refusing registration of a patent attorneys' office or of a patent attorneys' partnership, further against its decisions pronouncing termination of membership, or deletion from the list of patent attorney candidates can be instituted either by the applicant or by the concerned patent attorney or patent attorney candidate, respectively. The action shall be instituted within thirty days from the delivery of the decision. In the procedure, the Metropolitan Court shall have jurisdiction and the provisions governing administrative litigation (Code of Civil Procedure, **Chapter XX**) shall apply.

Article 31

(1) The organs of the Chamber of Patent Attorneys are

- (a) the assembly,
- (b) the presidential board,
- (c) the disciplinary committee, and
- (d) the auditing committee.

(2) The officers of the Chamber of Patent Attorneys are the president, two vice presidents and the treasurer.

(3) The Chamber of Patent Attorneys is represented by the president, in case of prevention by the vice president, and in the fields and cases defined by the president either by the vice president or by a member of the presidential board.

Article 32

(1) The assembly of the Chamber of Patent Attorneys shall consist of the collectivity of members, and shall have the exclusive competence

(a) to establish and amend the statutes and the disciplinary regulation of the Chamber of Patent Attorneys,

(b) to elect by secret vote and to recall the officers, other members and alternate members of the presidential board, the chairman, members and alternate members of the disciplinary committee and auditing committee, and

(c) to determine the amount of the subscription of patent attorneys.

(2) The assembly has a quorum if at least half the members are present. If the regularly convened assembly has no quorum, the assembly convened again within fifteen days shall have a quorum in the questions on the original agenda, irrespective of the number of those present.

(3) The decision of the assembly shall be passed by a simple majority of votes, except for the decisions taken in the matter of statutes, disciplinary regulation and recall, where the votes of not less than two thirds of those present are necessary.

Article 33

(1) The rules of the organization and activity of the Chamber of Patent Attorneys shall be laid down in its statutes.

(2) The Chamber of Patent Attorneys shall issue a disciplinary regulation on the detailed rules of disciplinary responsibility and a Code of Conduct relating to the patent attorney profession.

(3) The Chamber of Patent Attorneys shall determine by regulation the minimum amount of liability insurance for patent attorneys.

(4) The Chamber of Patent Attorneys may issue further regulations in other questions affecting patent attorney activity.

Legality Control

Article 34

(1) The President of the Hungarian Patent Office shall exercise legality control over the activity of the Chamber of Patent Attorneys.

(2) The statutes, disciplinary regulation and other regulations of the Chamber of Patent Attorneys shall be sent to the President of the Hungarian Patent Office.

(3) Under the legality control it shall be examined

(a) whether the regulations of the Chamber of Patent Attorneys are in accordance with the law,

(b) whether the decisions of the Chamber of Patent Attorneys are in accordance with the law and with the regulations of the Chamber of Patent Attorneys.

Article 35

(1) Should the statutes, disciplinary regulation or any other regulation of the Chamber of Patent Attorneys be contrary to law, or should the decision of the Chamber of Patent Attorneys be contrary to law or to a regulation of the Chamber of Patent Attorneys, the President of the Hungarian Patent Office shall invite the Chamber of Patent Attorneys to discontinue the breach of law within the fixed time limit.

(2) Should the Chamber of Patent Attorneys not arrange within the fixed time limit for the breach of law to be discontinued, the President of the Hungarian Patent Office may bring an action before the court within thirty days from the expiration of the time limit. In these actions the Metropolitan Court shall have jurisdiction, and the provisions governing administrative litigation (Code of Civil Procedure, **Chapter XX**) shall apply.

(3) By virtue of the action of the President of the Hungarian Patent Office the court

(a) may annul the infringing regulation of the Chamber of Patent Attorneys and its decision infringing the law or its own regulation, respectively, as well as may order that a new regulation be issued or a new decision be made if need be.

(b) may convene the assembly of the Chamber of Patent Attorneys in order to restore the legality of operation.

Final Provisions

Article 36

(1) This Law shall enter into force on January 1, 1996.

(2) Simultaneously with the entry into force of this Law the Decree No. 5/1976 (III. 30.) MT on patent attorneys, the Decree No. 3/1986 (II. 13.) MT amending it, the Decree No. 4/1976 (III. 30.) IM on the implementation of Decree No. 5/1976 and the Decree No. 2/1986 (II. 13.) IM amending it, as well as the Decree No. 5/1976 (III. 30.) IM on the schedule of fees of patent attorneys shall be repealed.

(3) The provisions of the laws on personal income tax and corporate tax, on social insurance, on accountancy, as well as on the preparation of financial reports and on book-keeping relating to individual lawyers and lawyers' offices shall apply to individual patent attorneys and patent attorneys' offices.

Transitional Provisions

Article 37

(1) In the course of the establishment of the Chamber of Patent Attorneys according to this Law, the President of the Hungarian Patent Office shall appoint, on the proposal of the social organization of patent attorneys and within one month from the entry into force of this Law, a seven-member provisional presidential board from the patent attorneys entered on the list of patent attorneys; the board shall elect from its members a provisional president and a vice president by secret vote.

(2) The provisional presidential board shall invite to the founders' assembly of the Chamber of Patent Attorneys all patent attorneys being on the list of patent attorneys valid at the date of entry into force of this law except for those who may not be admitted to the Chamber of Patent Attorneys under [Article 2\(4\)](#).

(3) Only the invited persons may attend the founders' assembly which shall be held in the presence of the representative of the person exercising legality control.

(4) The founders' assembly shall adopt the statutes, shall elect the presidential board, the disciplinary committee and auditing committee of the Chamber of Patent Attorneys; the mandate of the provisional presidential board shall come to an end with the publication of the results of the election.

(5) The establishment of the Chamber of Patent Attorneys shall be announced by its President to the President of the Hungarian Patent Office.

Article 38

(1) The patent attorneys lawfully participating in the founders' assembly shall become members of the Chamber of Patent Attorneys with effect from the date of the founders' assembly.

(2) Any person who, at the date of entry into force of this Law, is entered on the list of patent attorneys kept with the Hungarian Patent Office shall be admitted to the Chamber of Patent Attorneys upon his request, which is submitted within three months from the establishment of the Chamber of Patent Attorneys except for the case where he may not be admitted to the Chamber of Patent Attorneys under [Article 2\(4\)](#).

(3) Any person who was entered on the list of patent attorneys kept with the Hungarian Patent Office before the entry into force of this Law, but may not be admitted to the Chamber of Patent Attorneys under [Article 2\(4\)](#), shall be admitted to the Chamber of Patent Attorneys upon his request, which is submitted within three months from the discontinuance of the reason excluding admission.

Article 39

(1) Any patent attorneys' association existing at the date of entry into force of this Law shall continue its activity as a patent attorneys' office; the patent attorneys' office shall submit its new statute for the purposes of registration within three months from the establishment of the Chamber of Patent Attorneys.

(2) Any patent attorney withdrawing from the patent attorneys' office shall be liable for the preceding activity of the patent attorneys' office in proportion to, and to the extent of, the assets delivered to him.

(3) Any economic partnership carrying on patent attorney activity at the date of entry into force of this Law shall submit to the Companies Court its memorandum of association harmonized with the present Law within three months from the date of entry into force and shall request registration from the Chamber of Patent Attorneys within thirty days from registration with the Companies Court.

(4) In the case of voluntary conveyance of the assets of the social organization of patent attorneys to the Chamber of Patent Attorneys, the assets shall be obtained by the Chamber of Patent Attorneys free from dues and taxes.

Authorization

Article 40

(1) The Minister supervising the Hungarian Patent Office shall be authorized to establish by decree, in agreement with the Minister of Justice and the President of the Hungarian Patent Office, the rules concerning the examination of patent attorneys.

(2) The Minister supervising the Hungarian Patent Office shall be authorized to establish by decree, in agreement with the Minister of Culture and Education, the Minister of Labour and the President of the Hungarian Patent Office, the rules concerning industrial property qualification.
