

Decree No. 76/1995 (XII. 29.) IKM of the Minister of Industry and Trade on the Patent Attorney Examination

By virtue of the authorization under [Article 40\(1\)](#) of Law No. XXXII of 1995 on Patent Attorneys 1 order, in concert with the Minister of Justice and the President of the Hungarian Patent Office, as follows:

The Board for Patent Attorney Examination

Article 1

(1) The Board for Patent Attorney Examination (hereinafter referred to as “the Board”) shall consist of a Chairman and fourteen members.

(2) The Chairman of the Board shall be the President of the Hungarian Patent Office.

(3) Seven members of the Board shall be appointed, on a proposal of the Presidential Board of the Chamber of Patent Attorneys, from amongst patent attorneys, and seven members shall be appointed from amongst persons having legal or advanced level industrial property qualification by the President of the Hungarian Patent Office for a period of three years.

(4) The official seal of the Board shall consist of the coat of arms of the Republic of Hungary, with the legend “Szabadalmi Ügyvivőj Vizsgabizottság (Board for Patent Attorney Examination).

Article 2

(1) At the patent attorney examination, the Board shall sit in a chamber consisting of the Chairman and four members. The Chairman of the Board shall select at least two patent attorney members, furthermore shall, in case of prevention, designate his deputy from amongst the members.

(2) The secretary of the Board shall be appointed by the President of the Hungarian Patent Office from amongst the officials of the Hungarian Patent Office.

(3) The Board shall work according to its rules of procedure established by the Chairman, its affairs shall be managed by the Chairman and under his direction by the secretary, its administrative tasks shall be carried out by the Hungarian Patent Office.

Enrolment for the Patent Attorney Examination

Article 3

(1) Enrolment for the patent attorney examination may be requested of the Chairman of the Board; the application shall contain a statement that the candidate is of Hungarian nationality and has a residence in Hungary.

(2) Applications for enrolment shall be accompanied by:

- a) an official certificate of no criminal record,
- b) a copy of the candidate's university degree in engineering or of an equivalent degree taken at the faculty of natural sciences,
- c) a copy of the certificate on advanced level industrial property qualification, and
- d) a certificate issued by the Chamber of Patent Attorneys on the practice as a patent attorney candidate.

(3) Applications for enrolment shall be subject to the payment of a fee specified in [Article 12](#).

Article 4

(1) Where a candidate fulfils the conditions of enrolment for examination, the application is complete and the examination fee has been paid, the Chairman of the Board shall enrol the candidate for the patent attorney examination, shall specify the date of the examination and shall inform the candidate thereof.

(2) Where the application is incomplete or the examination fee has not been paid, the Chairman of the Board shall invite the candidate to correct the defects and shall fix a time limit therefor.

(3) Where the invitation to correct defects is not complied with or the candidate does not fulfil the conditions of enrolment, the Chairman of the Board shall refuse the application. Decisions on the refusal shall contain a statement of grounds and shall indicate the possibilities of legal remedy.

Examination Syllabus

Article 5

(1) The patent attorney examination shall cover the following:

a) Hungarian patent, utility model and innovation laws, protection of intellectual creations protected by the Civil Code but not provided for by special legislation, protection of technical and organizational knowledge and experiences of financial value (know-how);

b) Hungarian trademark law and protection of other distinctive signs, industrial designs law, topography law, protection of software under copyright and prohibition of unfair market practices;

c) foreign and international protection of industrial property;

d) other knowledge concerning industrial property: civil substantive and procedural law, administration, finances, offences, criminal law, international private law and legislation on the patent attorney profession.

(2) The Board shall publish in the official journal of the Hungarian Patent Office the list of national and foreign laws and international agreements relevant to the examination syllabus.

Written and Oral Part of the Patent Attorney Examination

Article 6

(1) Candidates shall sit both written and oral examination in the subjects under [Article 5\(1\)\(a\)](#) and [\(b\)](#), and oral examination in the other subjects.

(2) The date of the oral part of the examination shall be fixed in such a way as to fall between the third and tenth days following the written examination.

Article 7

(1) At the written examination candidates shall elaborate one paper in each subject.

(2) Written papers in the subject under [Article 5\(1\)\(a\)](#) shall be adjusted to the technical qualification of candidates; in the course of the elaboration a communication drawn up in a foreign language chosen by the candidate and generally used in international relations shall be evaluated.

(3) For the elaboration of written papers six consecutive hours shall be given.

(4) At the written examination candidates shall not be in contact with any other persons, they may, however, use laws, technical books and dictionaries.

(5) Should a candidate commit an irregularity at the written examination, his (her) examination shall be suspended by the presiding examiner; on the continuation the Chairman of the Board shall decide.

Article 8

(1) The oral part of the patent attorney examination shall be public, each candidate shall take the oral examination separately.

(2) At the oral examination candidates shall answer question in all subjects asked by the Chairman and the members of the Board.

(3) Where a candidate has failed the written papers in both subject, the oral part of the examination shall be cancelled.

Evaluation and Results of the Patent Attorney Examination

Article 9

(1) Following the termination of the oral examination the Board shall decide, on the basis of the common evaluation of the written and oral parts, on the acceptance and grade of the examination in closed session by a majority; the Chairman shall publicly announce the decision to the candidate.

(2) The Board shall accept the examination if it is established that a candidate has mastered all knowledge necessary for the patent attorney activity and can use it both in words and in writing.

(3) Where a candidate has passed the examination, the grades obtained may be “very good”, “good” or “satisfactory” depending on his (her) knowledge; where a candidate has failed the examination, the grade shall be “unsatisfactory”.

Second Examination and Repeat Examination

Article 10

(1) A candidate who has failed one or two subjects may sit a second examination in the given subject; a candidate who has failed more than two subjects, may sit a repeat examination covering all the subjects.

(2) Enrolment for a second or repeat examination may be requested of the Chairman of the Board after the expiration of three months from the date of the unsuccessful examination, but not later than one year; reasons for failure to comply with this time limit may be given within a further period of six months.

(3) Such requests shall be subject to the payment of a fee specified in [Article 12](#).

(4) After an unsuccessful second examination a repeat examination, and after an unsuccessful repeat examination one further repeat examination may be taken.

Minutes of the Examination, Certificate

Article 11

(1) Of the patent attorney examination minutes shall be taken.

(2) The Board shall issue certificates to successful candidates. Certificates of the patent attorney examination shall not certify any school qualification.

Fees for Patent Attorney Examination

Article 12

(1) Applications for enrolment for the patent attorney examination shall be subject to the payment of a fee, the amount of which shall be one half of the salary base of civil servants.

(2) The amount of the fee for a repeat examination shall be the same as under [\(1\)](#), the fee for a second examination shall be the half of that amount.

(3) Where a candidate has not appeared at the examination, the fee paid shall only be refunded if reasonable grounds for the absence are given within fifteen days. In the case of withdrawal from the commenced examination no fee shall be refunded.

(4) Examination fees shall be payable to the account of the Hungarian Patent Office, with the indication of the purpose of the amount.

Article 13

(1) The Chairman, members and secretary of the Board shall be entitled to a honorarium for their contribution to the patent attorney examinations.

(2) The amount of the honorarium payable from the examination fees paid by candidates shall be specified in the rules of procedure of the Board.

Entry into Force

Article 14

This Decree shall enter into force on the day of its promulgation.
