

Decree No. 78/1995 (XII. 29.) IKM of the Minister of Industry and Trade on Industrial Property Qualification

By virtue of the authorization under [Article 40\(2\)](#) of Law No. XXXII of 1995 on Patent Attorneys I order, in concert with the Minister of Culture and Education, the Minister of Labour and the President of the Hungarian Patent Office, as follows:

Obtaining Industrial Property Qualification

Article 1

(1) Intermediate and advanced level industrial property qualification shall be obtained by attending courses organized by the Hungarian Patent Office and by passing the prescribed examination.

(2) Intermediate and advanced level industrial property courses shall be organized directly by the Hungarian Patent Office or with the participation of other institutions.

(3) The official tasks relating to the organization of industrial property courses shall be performed by an official designated by the President of the Hungarian Patent Office.

Admission to an Industrial Property Course

Article 2

(1) Admission to an intermediate level industrial property course shall require at least secondary school qualification.

(2) Admission to an advanced level industrial property course shall require a qualification of high degree.

(3) The prescribed qualification shall be certified when applying for admission to an industrial property course.

Article 3

(1) Participants shall be admitted to industrial property courses by the Hungarian Patent Office or by the organizing institution in agreement with the Hungarian Patent Office.

(2) The Hungarian Patent Office and the organizing institution, respectively, shall notify the participants of the admission, of the place and schedule of the course and shall supply all the other required information.

(3) Participation fees shall be payable in the amount and in the manner indicated in the notification of admission. Participation fees shall be commensurate with the costs of organization of the course and shall include examination fees as well.

(4) Participants of industrial property courses shall be entitled to a study leave and to the reimbursement of the participation fee where this is provided for in the rules

governing their employment or their legal relationship of civil service, membership or other relation equal to an employment.

Duration of Training at Industrial Property Courses, Syllabus

Article 4

(1) The duration of training at intermediate level industrial property courses shall be sixty hours.

(2) The syllabus of intermediate level industrial property courses shall be the following:

- a) patent and utility model law and the relevant international agreements,
- b) innovation law and remuneration of inventors,
- c) trademark and industrial design law and the relevant international agreements,
- d) industrial property information,
- e) industrial property tasks of enterprises.

Article 5

(1) The duration of training at advanced level industrial property courses shall be four terms each comprising sixty hours.

(2) The syllabus of advanced level industrial property courses shall be the following:

- a) economic and legal basis of industrial property,
- b) patent and utility model law, methodology of examination
- c) innovation law and remuneration of inventors,
- d) trademark law and protection of other distinctive signs, industrial design law, methodology of examination,
- e) prohibition of unfair market conduct, protection of software under copyright law,
- f) court proceedings in industrial property matters and lawsuits,
- g) industrial property information,
- h) foreign and international patent and utility model laws,
- i) foreign and international trademark and industrial design laws,
- j) industrial property tasks of enterprises, representation in industrial property matters.

Industrial Property Examination

Article 6

(1) After finishing the intermediate level industrial property course, participants shall sit an intermediate level industrial property examination.

(2) Intermediate level examinations shall comprise a written and an oral part.

(3) The intermediate level industrial property examination shall be taken within six months following the termination of the course at the latest, before an Examination Board, the three members of which shall be designated by the President of the Hungarian Patent Office from amongst the officials of the Office.

(4) On justified request the President of the Hungarian Patent Office may once extend the time limit prescribed under [\(3\)](#) by further six months.

Article 7

(1) The advanced level industrial property examination shall consist of examinations taken in the subjects of the course and of the defence of a thesis written after the completion of the course.

(2) In the case of advanced level courses, examinations in the subjects shall be taken following the termination of the given subject, but not later than by the beginning of the next term, and the examinations of the last term shall be taken not later than by the submission of the thesis, in writing and orally, respectively, before the lecturer of the subject.

(3) Theses shall be submitted within one year following the completion of the course at the latest in order to be defended before an Examination Board headed or designated by the President of the Hungarian Patent Office and consisting of three officials of the Hungarian Patent Office.

(4) On justified request the President of the Hungarian Patent Office may once extend the time limit prescribed under [\(3\)](#) by further six months.

Evaluation of the Industrial Property Examination, Certificate

Article 8

(1) At the intermediate level industrial property examination, as well as at examinations in the subjects of the advanced level industrial property course and at the defence of the thesis the knowledge of candidates shall be graded by very good (5), good (4), satisfactory (3), weak (2) or unsatisfactory (1) marks.

(2) In the case of unsatisfactory marks, the intermediate level industrial property examination and the defence of the thesis at the advanced level course, respectively, may be repeated once, within three months following the unsuccessful examination.

(3) The marks obtained at the intermediate level industrial property examination shall be entered in the minutes of the examination. The marks obtained at the examinations of the advanced level industrial property course and at the defence of the thesis shall be entered in the registration books of the candidates.

Article 9

(1) The Hungarian Patent Office shall issue a certificate on industrial property qualification in which the grade shall be indicated in compliance with the result of the intermediate examination or with the average of the marks obtained in the advanced level qualification. Where the result reaches 4,8, the grade is “very good”; where it reaches 3,8, the grade is “good”; and where it reaches 2,0, the grade is “satisfactory”.

(2) The certificate issued on industrial property qualification shall not certify any school qualification.

Entry in Force

Article 10

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

(2) Simultaneously with the entry into force of the Decree, Joint Decree No. 4/1981 (XII. 23.) IM-MM on the Industrial Property Qualification shall be repealed.

(3) Certificates issued on industrial property qualification before the entry into force of this Decree shall keep their validity.
