

**ACT XXXII OF 1995
ON PATENT ATTORNEYS**

Duties of patent attorneys

Section 1

(1) Patent attorneys shall have the duty to assist their clients to enforce their rights and to meet their obligations in matters relating to industrial property rights; in the course of their activity they shall act, on the basis of a mandate of agency or appointment, as representatives in industrial property matters before the competent courts and other authorities, shall draft petitions, contracts and other documents, shall carry out searches and give expert opinion, advice and information on industrial property rights matters.

(2) For the purposes of paragraph (1), matters related to the protection of industrial property rights are the following:

a) proceedings within the competence of the Hungarian Intellectual Property Office relating to patents, plant varieties, utility models, designs and topographies, trade marks and geographical indications, and the related proceedings of appeal and enforcement;

b) proceedings instituted for any infringements of inventions, patents, plant varieties, plant variety protection rights, utility models, utility model protection rights, designs, design protection rights, topographies, topography protection rights, trade marks and geographical indication protection rights;

c) proceedings relating to compulsory licenses of patents, protected plant varieties and utility models, and to the existence of rights of prior use or of continued use, including proceedings relating to rights of exploitation started before official notice was given on the correction of the Hungarian translation of the European patent;

d) proceedings instituted for any infringements of copyrights or of rights related to copyright on computer programs and their documentation, on databases qualifying as collection of works or on other databases, on works accessible by IT equipment, on works of applied art and industrial designs, and on design of engineering works, as well as proceedings relating to the voluntary register of works;

e) proceedings relating to authorship, entitlement and remuneration in connection with the rights under points (a) to (d);

f) *[repealed]*

g) proceedings relating to the protection due to persons in respect of their economic, technical and organizational knowledge and experience of financial value (know-how) pursuant to section 2:47 of the Civil Code; and

h) proceedings instituted for any violation of the prohibition of unfair competition and the unfair manipulation of business decisions under the Act on the Prohibition of Unfair Trading Practices and Unfair Competition, provided that they relate to inventions or other technical solutions, designs, plant varieties, computer programs and their documentation, works of applied art, industrial designs, design of engineering works, trade secrets – including economic, technical and organizational knowledge and experience of financial value (know-how) pursuant to section 2:47 of the Civil Code –, the unique external appearance, packaging marking or designation, or the name, designation or indication of goods used in the course of economic activity.

(3) For the purposes of paragraph (2), patent shall also mean supplementary protection.

(4) If it is mandatory for the client to have legal representation in proceedings related to industrial property rights, this requirement shall be satisfied if he or she is represented by a patent attorney.

(5) If the patent attorney is acting in a foreign country regarding the industrial property rights matters referred to in paragraph (2) above, his or her activity shall be governed by the provisions of foreign laws; however, the provisions of this Act shall, *mutatis mutandis*, also apply to his or her activity. Foreign laws shall also mean international treaties and other agreements binding on the State where the proceedings are conducted, and if the patent attorney acts in an EEA State, they shall also mean European Community acts in accordance with the Agreement on the European Economic Area.

(6) For the purposes of this Act, EEA States shall mean Member States of the European Union, other States which are parties to the Agreement on the European Economic Area and any other State whose nationals enjoy, unless the relevant international treaty provides otherwise, the same treatment in law concerning freedom of establishment and freedom to provide services as nationals of the States which are parties to the Agreement on the European Economic Area by virtue of an international treaty between the European Community and its Member States and the State which is not party to the Agreement on the European Economic Area.

Requirements for acting as a patent attorney

Section 2

(1) Only members of the Hungarian Chamber of Patent Attorneys (hereinafter referred to as “the Chamber”) may act as patent attorneys.

(2) Anyone shall be entitled to admission to the Chamber if he or she:

(a) has Hungarian nationality, the nationality of an EEA State, a residence permit or immigrant status;

(b) has no previous criminal conviction;

(c) holds a university or master degree in engineering, information technology, or a similar degree in the field of health care or natural sciences, in particular a medical, veterinary, biologist, chemist, pharmacist, mathematician or physicist degree; and

(d) has passed a patent attorney examination.

(3) For admission to the Chamber one shall be required to:

(a) have liability insurance of patent attorneys covering the entire territory of Hungary, unless the attorney works exclusively for an economic entity in accordance with section 6(2);

(b) be in possession of adequate office space for carrying on patent attorney activity, unless the patent attorney works for an economic entity in accordance with section 6 (2), or works as an employee in accordance with section 6/A, section 7(2) or section 10(2).

(4) A person shall not be admitted to the Chamber if

(a) he or she is under the effect of a prohibition to practise the profession of patent attorney;

(b) he or she is under the disciplinary sanction of exclusion from the Chamber;

(c) he or she is under guardianship limiting or excluding his or her legal capacity or under supported decision making limiting his or her legal capacity;

(d) he or she works for an authority or court proceeding in industrial property rights matters;

(e) he or she is in one of the situations of conflict of interests referred to in section 14(1) and does not put an end to that situation

(f) it has been established by a final and binding decision that he or she pursued patent attorney activities unlawfully and for a consideration, for three years after the decision thereon has acquired the authority of a final and binding decision.

(5) The title ‘patent attorney’ shall only be used by members of the Chamber.

(6) Besides the attached copies of supporting documents certifying entitlement to admission with regard to section 2/A(1), the request for admission shall contain the following data:

(a) the natural identification data and nationality of the applicant;

(b) the address of the applicant;

- (c) the type, number, date and academic degree, if there is any, of the university diploma referred to in paragraph (2)(c);
 - (d) the form of organization of the patent attorney activity of the applicant;
 - (e) the name, address, phone and fax number, and electronic address of the patent attorney office or company where the applicant carries on his activity; and
 - (f) in case the applicant works under contract of employment, the name, address, phone and fax number, and electronic address of his or her employer.
- (7) The applicant shall be admitted to the Chamber, if
- (a) the request for admission satisfies the requirements laid down in paragraph (6);
 - (b) the he or she meets the criteria laid down in paragraphs (2) and (3) and in section 5 (2) and (3); and
 - (c) there is no ground disqualifying him or her pursuant to paragraph (4).
- (8) Patent attorneys shall notify the Chamber within 15 days of any change in their data referred to in paragraph (6) and in the conditions laid down in paragraphs (2) and (3) or of the occurrence of any ground disqualifying them pursuant to paragraph (4).

Section 2/A

(1) Persons filing an application for admission to the Chamber shall simultaneously with filing their application certify with an official certificate the fact that they satisfy the requirement specified in section 2(2)(b) and that they are not subject to the ground disqualifying them pursuant to 2(4)(a); alternatively they shall request the Criminal Records Office to forward the relevant data to the Chamber on the latter's request to decide on an application for admission to the Chamber. For such requests of data the Chamber may request the data specified in paragraph (2) from the Criminal Records Office.

(2) Within the framework of official controls conducted during the exercise of patent attorney's activity the Chamber shall verify whether the patent attorney has any previous criminal conviction or whether he or she is not under the effect of a prohibition to exercise his or her profession of patent attorney. In order to perform such official controls the Chamber shall have the right to request data from the criminal records system. Requests for data shall be limited to information necessary to determine whether the patent attorney has any previous criminal conviction or whether he or she is under the effect of a prohibition to exercise his or her profession of patent attorney.

(3) Personal data obtained pursuant to paragraphs (1) and (2) may be processed by the Chamber

(a) until the decision with administrative finality is taken in proceedings for admission to the Chamber;

(b) for the duration of the official control in proceedings for admission to the Chamber, or until the decision with administrative finality is taken in proceedings for termination of membership in the Chamber.

Section 3

(1) Patent attorneys shall take an oath before the President of the Chamber within one month from the date of admission.

(2) The text of the oath of patent attorneys shall be the following: "I, (name of the person taking the oath) hereby pledge that I shall be faithful to Hungary and to its Fundamental Law, I shall observe its laws and I shall practice my profession of patent attorney in accordance with them. In exercising my profession I shall fulfil my professional duties conscientiously and to the best of my knowledge, acting in the interest of my clients, and shall not divulge confidential information that

comes to my knowledge in the course of such activity. (Optional part depending on the conviction of the oath taker) So help me God!"

(2a) Patent attorneys may start their activities after the taking of the oath.

(3) Patent attorneys who are not of Hungarian nationality may start their activity after taking an oath determined by the Chamber and the text of which is different to the necessary extent from that laid down in paragraph (2).

Patent attorney examination

Section 4

(1) Any person may take a patent attorney examination who

(a) meets the requirements laid down in section 2(2)(a) to (c);

(b) has an advanced level industrial property protection qualification specified in a separate law; and

(c) has practiced not less than three years as a trainee patent attorney.

(2) The examination shall be taken before the Examination Board of Patent Attorneys at the Hungarian Intellectual Property Office.

(3) The application for admission to the examination shall be submitted to the chairperson of the Examination Board of Patent Attorneys who shall proceed in the matter according to the provisions of the Act on the General Code of Public Administration Procedure. The provisions of section 30(2) to (3) and (10) to (11) shall apply, *mutatis mutandis*, to the proceedings for admission to the examination.

(4) The detailed provisions on the patent attorney examination shall be laid down in a separate law.

Termination of membership in the Chamber

Section 5

(1) The membership of a patent attorney in the Chamber shall terminate if the patent attorney

(a) has resigned from his or her membership in writing;

(b) has been prohibited from participation in public affairs or from exercising the profession of patent attorney by a final and binding court judgment;

(c) has a previous criminal conviction;

(d) is excluded from the Chamber by a final and binding decision as a disciplinary sanction;

(e) fails to pay membership contributions due to the Chamber in spite of payment notice;

(f) loses his or her Hungarian nationality, nationality of an EEA State, status of resident or status of immigrant;

(g) is placed under guardianship limiting or excluding his or her legal capacity or under supported decision making limiting his or her legal capacity;

(h) starts working for an authority or court proceeding in industrial property matters;

(i) his or her liability insurance pursuant to section 2(3)(a) terminates;

(j) is no longer in possession of adequate office space pursuant to section 2(3)(b); or

(k) has a conflict of interests pursuant to section 14(1);

(l) dies.

(2) If the patent attorney's membership in the Chamber terminated pursuant to paragraph (1)(b), (c), (d), (f), (g), (h), (i) or (j), re-admission to the Chamber shall not be refused, if the applicant meets the requirements laid down in section 2(2) and (3) and is not subject to any ground

disqualifying him or her pursuant to section 2(4), provided that he or she paid the membership contributions due until the termination of the former membership.

(3) If the patent attorney's membership in the Chamber terminated pursuant to paragraph (1)(a) or (e), he or she may be re-admitted to the Chamber only after one year from the termination of the previous membership and then only if the requirements laid down in paragraph (2) are met.

(4) The Chamber shall declare the termination of the membership if any ground for termination laid down in paragraph (1) or section 27/E(3) occurs.

(5) In the case referred to in paragraph (1) (e), (f), (i), (j) or (k), or in the case referred to in section 27/E(3), the Chamber shall invite the member to obviate the ground for termination within 30 thirty days.

The organizational framework of patent attorney activity

Section 6

(1) A patent attorney may represent clients

(a) as a sole practitioner patent attorney;

(b) in a patent attorney office; or

(c) in a commercial company (hereinafter referred to as "patent attorney company").

(2) An economic entity may employ a patent attorney to deal with its own industrial property rights matters and to undertake its representation.

(3) Only such persons may act as patent attorneys in the organizational forms specified in paragraph (1) as are in possession of an authorization of the Chamber.

(4) The Chamber shall grant authorization to pursue patent attorney activity under paragraph (1) to persons who comply with the requirements for the specific organizational forms laid down in this Act. The Chamber shall register applicants when granting the authorization.

(5) The Chamber shall keep a register of the service providers authorized to engage in such activity; the register shall contain the natural identification data of the persons authorized to pursue such activity. Data from the register may be provided only for certifying authorization to pursue such activity.

Sole practitioner patent attorney

Section 6/A

Sole practitioner patent attorneys may employ other patent attorneys as employees. If the sole practitioner patent attorney has to represent a client on the basis of a mandate of agency or appointment, both the sole practitioner patent attorney and his or her patent attorney employee may act as representatives.

Patent attorney office

Section 7

(1) A patent attorney office is an entity with legal personality the members of which are exclusively patent attorneys. A patent attorney office may be founded by one or more patent attorneys.

(2) A patent attorney office may employ patent attorneys under contract of employment as well.

(3) If the patent attorney office has to represent a client on the basis of a mandate of agency or appointment, both patent attorney members and a patent attorney employees may act as representatives.

Section 8

(1) A patent attorney office shall come into being upon registration by the Chamber and shall operate in accordance with its statutes. The patent attorney office may start operating only after registration.

(2) Applications for registration shall contain the following data, and the statutes of the patent attorney office shall be attached to the application:

(a) the name, principal place of business, phone and fax number, and e-mail address of the patent attorney office;

(b) the names of the members and the head of the patent attorney office; and

(c) the names of patent attorney employees and trainee patent attorneys, if any.

(3) The statutes shall specify the following:

(a) the name and principal place of business of the patent attorney office;

(b) the address of the branch office or offices, if any;

(c) the rights and obligations of members and their financial liability;

(d) the rules pertaining to members' meetings;

(e) the rules pertaining to the management and representation of the patent attorney office;

(f) the rules for accepting and carrying out mandates of agency;

(g) the rules for the settling of accounts between members; and

(h) the rules for the termination of membership and for the termination of the patent attorney office.

(4) A patent attorney office shall be entered into the register, if

(a) the application for registration meets the requirements laid down in paragraph (2);

(b) the patent attorney office meets the requirements laid down in section 7(1); and

(c) the statutes contain those prescribed in paragraph (3) and are not contrary to any law.

(5) The patent attorney office shall notify the Chamber within fifteen days of any change in the data referred to in paragraph (2), of any decision amending its statutes, and of any decision by the members' meeting to terminate the patent attorney office, and shall submit the relevant documents thereon.

(6) The principal organ of the patent attorney office is the members' meeting which consists of all members; it shall belong to the exclusive competence of the members' meeting to draw up and amend the statutes, to elect the head of the office, to admit new members, to decide on the exclusion of members, and to decide on the termination of the office.

(7) The patent attorney office shall be represented by its head.

(8) The patent attorney office may maintain branch offices.

Section 9

(1) A patent attorney office shall terminate upon removal from the register.

(2) The Chamber shall remove a patent attorney office from the register, if it

(a) terminated without a legal successor;

(b) merged with another office or separated;

(c) does not meet the requirements of section 8(4)(b) or (c).

(3) Should the case in point (c) occur, the Chamber shall invite the patent attorney office to comply within thirty days with the requirements laid down in section 8(4)(b) or (c).

Patent attorney company

Section 10

(1) Patent attorney activity may be carried out in a patent attorney company if

- (a) the company performs exclusively patent attorney tasks;
- (b) the members of the company are all natural persons, of whom at least one is a patent attorney;
- (c) at least three fourths of the sum above the subscribed capital of the company is constituted by contributions of the patent attorney member or members, and the patent attorney vote in the company is at least of the same proportion;
- (d) the chief executive of the patent attorney company and at least three fourths of the officers are patent attorney members.

(2) A patent attorney company may employ patent attorneys under contract of employment as well.

Section 11

(1) A patent attorney company entered into the company register shall apply to the Chamber for registration within thirty days following registration at the court of registry. A patent attorney company may start operating only after registration by the Chamber.

(2) Subject to the exception laid down in paragraph (3), applications for registration shall contain the following data and have attached copies of the document certifying registration by the court of registry and of the articles of association:

- (a) the phone and fax number, and electronic address of the patent attorney company; and
- (b) the names of patent attorney employees and trainee patent attorneys, if any.

(3) If the patent attorney company fails to certify its corporate data, the Chamber shall request the organ keeping the data of the patent attorney company in its register to provide the necessary data for considering the application for registration.

(4) The patent attorney company shall be registered if the application for registration complies with those in paragraph (2), and the company satisfies the requirements laid down in section 10(1).

(5) The patent attorney company shall notify the Chamber of any change in its data referred to in paragraph (2) as well as in its articles of association or of its termination within 15 days of their registration in the company register.

(6) If the patent attorney company has to represent a client on the basis of a mandate of agency or appointment, both a patent attorney member and a patent attorney employee may act as a representative.

(7) The Chamber shall remove a patent attorney company from the register, if

(a) the company has been removed from the company register by a final and binding decision of the court of registry;

(b) the patent attorney company does not meet the requirements laid down in section 10(1).

(8) Should the case in paragraph (7)(b) occur, the Chamber shall invite the patent attorney company to comply within thirty days with the requirements laid down in section 10(1).

Employment of patent attorneys by economic entities

Section 12

(1) A patent attorney employed by an economic entity under section 6(2) – in a full-time or part-time employment relationship, in a government service, public service, state service, public employee legal relationship, in a professional service legal relationship with a law enforcement

organ, in a professional or contractual military service legal relationship, or in a membership legal relationship – may represent the economic entity on the basis of this legal relationship without any special authorization in industrial property matters.

(2) The patent attorney of an economic entity may also represent clients within the framework laid down in section 6(1) and according to the applicable conditions, if the economic entity does not restrict him or her to do so.

Obligations of patent attorneys

Section 13

(1) In the cases entrusted to him or her, a patent attorney shall act conscientiously, to the best of his or her knowledge and in compliance with the laws; he or she shall observe the prescriptions of the Code of Ethics of Patent Attorneys and show at all times conduct worthy of the patent attorney profession.

(2) In the course of his proceedings before a court or other authority, a patent attorney shall identify himself or herself by an official document with picture issued by the Chamber.

Section 14

(1) The following shall constitute a conflict of interest with the exercise of patent attorney activities:

(a) the employment relationship, the government service, public service, state service, public employee legal relationship, the professional service legal relationship with a law enforcement organ, the professional or contractual military service legal relationship, as well as the legal status of public notary and of court bailiff, with the exceptions specified in this Act;

(b) the membership legal relationship with unlimited liability in an economic entity other than a patent attorney company;

(c) any other activity involving work obligation and performed for a consideration.

(2) The mandate of an elected public official – including officials and members of local governments and nationality self-governments, as well as officials and members of committees set up by those bodies – shall constitute a conflict of interest with the exercise of patent attorney activities, if the Act regulating the legal status of such officials so provides.

Section 14/A

(1) The following shall not be prohibited under section 14(1)(c):

(a) educational activities,

(b) scientific, artistic, and sports activities,

(c) small-scale farming activities,

(d) voluntary reservist service relationship,

(e) registered foster carer legal relationship,

(f) arbitration activities,

(g) professional translation and interpreting activities in legal, engineering, informatics or other healthcare, and scientific fields,

(h) activities as experts, with the exception of expert witnesses,

(i) membership in an electoral committee,

(j) activities of the internal data protection officer,

(k) performing the tasks of a liquidator,

(l) performing the tasks of a supervisory board or audit committee member,

(m) performing the tasks of a member or chairperson of the managing body, consisting of executive officers, of a commercial company,

(n) performing the tasks of an executive officer of a legal person not falling under point (m),

(o) activities of attorneys-at-law, employed attorneys-at-law, legal counsels in an employment relationship and registered with the bar association, trainee attorneys-at-law, and of law clerks in an employment relationship and registered with the bar association,

(p) mediation activities conducted in mediation proceedings or in criminal cases.

(2) Patent attorneys may perform educational and scientific activities in employment relationship, in public employee legal relationship, in professional service legal relationship with a law enforcement organ, and also in professional or contractual military service legal relationship.

(3) Activities according to this section may be pursued entirely separated from the exercise of patent attorney activities so that they should not affect the independence of the exercise of patent attorney activities. Patent attorneys may not pursue the activities according to this section in their capacity of patent attorney but in the form specified by the law governing the given activities.

(4) The activities referred to in points (h), (m) and (n) of paragraph (1) and patent attorney activities may not be exercised for the same client, except if a patent attorney office or patent attorney company is mandated, the member of the mandated patent attorney office or patent attorney company performing the activities referred to in points (h), (m) and (n) of paragraph (1) does not participate in carrying out of the mandate of agency, and the client explicitly consents to this.

Section 14/B

(1) The occurrence of any cause of conflicts of interest shall be prevented.

(2) The person exercising patent attorney activities shall without delay but at the latest

(a) within 15 days of its occurrence report, without breaching patent attorney secrecy, the cause of any conflict of interest to the Chamber, and

(b) within 30 days eliminate the conflict of interest.

(3) Until elimination of the conflict of interest patent attorney activities may not be continued, except if the client has to be protected from obvious and immediate damage that could otherwise not be avoided.

Section 15

(1) Any facts, information or data coming to the knowledge of a person exercising patent attorney activities in the course of these activities shall be considered patent attorney secrets.

(2) The person exercising patent attorney activities shall be obliged to keep patent attorney secrets, unless this Act provides otherwise. This obligation of secrecy shall extend to documents and other data carriers of the patent attorney that contain patent attorney secrets.

(3) The person exercising patent attorney activities shall refuse to give witness evidence or supply data on patent attorney secrets in any official or judicial proceedings, except if the owner of the patent attorney secret released him from the obligation of secrecy.

(4) The obligation of secrecy of the person exercising patent attorney activities shall not depend on the continuation of the legal relationship established for the purpose of pursuing patent attorney activities, and it shall continue to exist without any limitation in time even after the termination of the patent attorney activities or of the patent attorney legal relationship.

Section 15/A

(1) If a person exercises patent attorney activities for the benefit of a client and in the course of those activities patent attorney secrets come to his knowledge, the person exercising patent

attorney activities shall not be subject to the obligation of secrecy in respect of that client, unless otherwise provided by an Act. If the subject matter of a patent attorney secret is information obtained from another person exercising patent attorney activities, this information may not be disclosed by the person exercising patent attorney activity to his client, if the person providing this information expressly prohibited its disclosure. An employed patent attorney shall not be subject to the obligation of secrecy in respect of the employer in whose employment he obtained knowledge of the patent attorney secret, nor in respect of persons specified by his employer and/or his client.

(2) The obligation of secrecy of a patent attorney office or patent attorney company extends to the members of the office or company; members, however, are not subject to the obligation of secrecy between themselves. If an Act restricts activities that can be performed jointly for the same client or for clients having contrary interests, but in the case of mandating a patent attorney office or a patent attorney company it permits that different members of the office or company execute the mandate of agency, these members shall be subject to the obligation of secrecy also in respect of each other, and they shall ensure that the same employee of the office or company should participate in the performance of tasks in respect of only one of the cases concerned.

(3) A person exercising patent attorney activities shall not be subject to the obligation of secrecy in respect of his or her employee.

(4) A person exercising patent attorney activities shall not be subject to the obligation of secrecy in respect of his or her employed patent attorney, and – to the extent necessary for the provision of their services – in respect of the following persons:

(a) persons in charge of storing, archiving and safekeeping data carriers containing patent attorney secrets or of processing data contained therein, as well as other contributors performing data processing on behalf of the person exercising patent attorney activities,

(b) persons providing accounting services for the person exercising patent attorney activities,

(c) persons contributing to the execution of the patent attorney mandate of agency, and/or other persons involved in connection with the execution of the mandate of agency, whose contribution and/or involvement has been consented to by the client.

Section 15/B

(1) On the basis of paragraphs (3) and (4) of section 15/A the obligation of patent attorney secrecy shall also extend to persons authorised to get to know patent attorney secrets.

(2) Bodies and officers of the Chamber shall be subject to the obligation of patent attorney secrecy in respect of patent attorney secrets they got to know in the exercise of their tasks and competences specified in this Act.

(3) The courts and authorities shall process and use patent attorney secrets they got to know in the course of their proceedings in accordance with the Act governing their procedure.

Section 15/C

(1) The client or his successor in title shall have the right to dispose of the patent attorney secret.

(2) In the course of a disciplinary or official case pursuant of this Act, the person exercising patent attorney activities may disclose patent attorney secrets before bodies of the Chamber and before the court to the extent necessary for the conduct of the proceedings.

(3) In criminal proceedings instituted against him or her, the person exercising patent attorney activities may disclose patent attorney secrets to the extent necessary for enforcing his rights of the defence.

(4) To the extent necessary for the investigation and proof of a criminal offense, committed not by his client against him or against his client, the person exercising patent attorney activities may

– in the case of a criminal offense against his client, with his client’s consent – disclose patent attorney secrets.

(5) At the request or initiative of the person who has the right to dispose of the patent attorney secret, the person subject to the obligation of patent attorney secrecy may, in the course of court proceedings, official proceedings or other public law proceedings instituted against him and to the extent necessary for defence, disclose the patent attorney secret.

Section 15/D

(1) In the course of an official audit, inspection or onsite search conducted at his or her premises, the person subject to patent attorney secrecy may not disclose documents and data containing patent attorney secrets and he or she may not be obliged to give oral testimony or to supply data relating to patent attorney secrets, but he or she may not obstruct the proceedings of the authority.

Restrictions on pursuing patent attorney activities; rules of the representation of clients

Section 16

(1) A patent attorney shall not undertake patent attorney activities for such clients who have conflicting interests; he shall furthermore not undertake patent attorney activities if the interests of the client are in conflict with the patent attorney’s own interests which are outside of the case. This prohibition shall also apply if the future conflict of interests is foreseeable.

(2) A patent attorney shall not undertake patent attorney activities in cases in which he acted previously

(a) within the framework of his earlier legal relationship established for performing tasks directly related to the exercise of public authority competence,

(b) as public notary, deputy public notary, court bailiff, deputy bailiff, or

(c) as mediator, arbitrator, or in another capacity to help settle disputes, except for the drawing up of an instrument on the settlement reached as a result of mediation and legal representation in related proceedings.

(3) A patent attorney shall not undertake representation in public authority proceedings conducted by an organ exercising public authority or its legal successor with which he had a legal relationship established for performing tasks directly related to the exercise of public authority competence, or where he or she had a legal relationship established for performing tasks directly related to the direction or supervision of such organ or its legal successor, for two years from the termination of that legal relationship.

(4) The patent attorney may not pursue patent attorney activities, which would come into conflict with meeting his obligations to his or her earlier client, unless there is no connection between the earlier and the new case, or if – after being informed – the earlier client consented to this.

(5) The patent attorney may pursue patent attorney activities against his or her earlier employer if his or her employment legal relationship terminated at least three years ago and he or she was not involved in dealing with the given case. The earlier employer may grant an exemption from this or a non-competition clause may provide otherwise.

(6) If the interests of two or more client come into conflict or can come into conflict, the prohibition pursuant to paragraph (1) shall not apply to the patent attorney if

(a) the clients have common interests in the case,

(b) the clients, being aware of the conflict of interests, consent that the patent attorney undertake performing patent attorney activities also for the other client,

(c) there is no danger of breaching patent attorney secrecy, and

(d) the patent attorney can reasonably assume that the conflict of interests would not prevent him or her to represent the interests of all clients in the best possible way.

(7) After accepting of the mandate of agency, the patent attorney shall continuously monitor the possibility of conflicts between the interests of his clients. If in the course of this monitoring he or she finds that patent attorney activities should not be undertaken simultaneously in respect of two or more clients pursuant to paragraph (1), or that the conditions of paragraph (6) are not met, he or she shall denounce the mandate of agency related to the case involving conflict of interest with each of the clients concerned.

Section 16/A

(1) If any restricting ground pursuant to section 16 exists in respect of

(a) any member of a patent attorney office or patent attorney company, or

(b) any employee of a sole practitioner patent attorney, or any employee employed by a patent attorney office or patent attorney company pursuing patent attorney activities, then the restriction shall apply to the sole practitioner patent attorney, to the entire patent attorney office or patent attorney company.

(2) In the case of a restriction pursuant to section 16(3), paragraph (1) shall not apply but the client and the body exercising public authority competence shall be immediately informed of the existence of these circumstances.

(3) Paragraph (1) shall not apply, if each mandate of agency is executed with the participation of different natural persons who pursue patent attorney activities, patent attorney secrecy is ensured between these different persons, and the client explicitly consented to this in writing.

Section 16/B

(1) A patent attorney is not obliged to accept a mandate of agency; if he or she declines to accept the mandate of agency, the client shall immediately be notified thereof.

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

(3) The client may at any time limit the mandate of agency or denounce it with immediate effect.

(4) In addition to the case of denunciation, the mandate of agency shall terminate when it has been discharged, upon the death of the client or, if the client is a legal person, upon its termination without a legal successor.

(5) In case of the death of the client or the termination of the client legal person without a legal successor, the patent attorney shall immediately notify the persons known to him or her who may have rights or obligations arising in connection with the case at hand; the above death or termination, and the termination by either party of the mandate of agency shall be immediately notified by the patent attorney to the court or other authority before which the proceedings are under way.

Section 17

(1) The mandate of agency shall be accepted, also on behalf of the patent attorney office and patent attorney company, by the patent attorney himself or herself, and he or she shall conclude the agreement on the patent attorney fees as well.

(2) The amount of the patent attorney fees and the terms of payment shall be subject to free agreement. The patent attorney may require advance payment of the estimated fees and other expenses before discharging the mandate of agency or performing certain activities.

(3) By virtue of the appointment of a court or another authority, a patent attorney representing clients shall be obliged to represent the client as advocate patent attorney, guardian ad litem or ad hoc guardian; in justified cases the patent attorney may ask to be exempted from the appointment.

(4) To the appointment of patent attorneys and to the legal status, fees, reimbursement of expenses of appointed patent attorneys the laws governing industrial property rights matters [section 1(2)], the relevant provisions of the Act on the General Code of Public Administration Procedure and of Act CXXX of 2016 on the Code of Civil Procedure (hereinafter referred to as “Code of Civil Procedure”) shall apply.

Section 18

(1) On accepting a mandate of agency given by the client, the patent attorney shall, except for counselling, draw up a brief of the case; the brief shall contain the important circumstances, including expected fees and expenses, and it shall be signed by the client. The brief may be substituted for by a written mandate of agency of the client or by a written contract of agency. Failure to lay down in writing the mandate of agency or the contract of agency does not affect the validity of the agreement, but in such cases the burden of proof regarding the contents of the agreement shall lie with the patent attorney.

(2) The conferral of powers on the patent attorney shall be valid if it is done in writing and signed by the client; the patent attorney shall countersign the document on the conferral of powers.

(3) The conferral of powers shall authorize the patent attorney to perform all acts for the proper handling of the case entrusted to him or her, including the receipt of documents, money and other assets.

(4) Any limitation of the patent attorney's authority to act in respect of courts, other authorities or third parties shall have effect only inasmuch as the limitation appears from the document on the conferral of powers itself.

(5) The patent attorney shall carry out mandates of agency in person; however, he or she shall be entitled to have recourse to a deputy patent attorney, an attorney-at-law or a trainee patent attorney if this is not excluded by the client.

Section 19

(1) At the request of the client the patent attorney shall give acknowledgement of receipt of the documents received from the client, and to return the originals on termination of the mandate of agency, unless they have been attached to a document filed with a court or another authority.

(2) The patent attorney shall not be obliged to hand over to the client the mandate of agency, his or her drafts, the brief, the document on the conferral of powers, the documents containing the instructions of the client, the letters addressed to him or her by the client in the case, the copies of documents already handed over or sent to the client, and the quittances or receipts 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 expense of the client he or she shall, however, be obliged to provide copies thereof.

(3) The patent attorney shall be obliged to treat any sums or valuables received on behalf of the client as deposit, and to notify the client immediately thereof.

(4) The patent attorney may recover the amount of claims outstanding and due, payable by his or her client, such as patent attorney fees, lump sum costs and out-of-pocket expenses, respectively, by setting them off against the sums of money received; he or she shall be obliged to notify his or her client in writing when exercising this right of set-off.

Section 20

(1) The patent attorney shall keep a file or record of the cases handled by him or her that will enable his or her deputy or successor to take over and proceed with the case.

(2) The patent attorney shall keep the documents of concluded cases for five years from the date of termination of the mandate of agency; on the destruction of documents a record shall be drawn up which shall be kept for another five years.

(3) The patent attorney may cease his or her activity as patent attorney during his or her mandate as Member of Parliament, as spokesperson for a nationality or as mayor and in other justified cases; in the event of cessation he or she shall see to it that with regard to ongoing mandates of agency the rights and legitimate interests of his or her clients do not suffer any injury. The shortest period of cessation shall be three months. The cessation and the recommencement of patent attorney activity shall be notified to the Chamber in advance by specifying the starting date for each.

(4) During the period of cessation the patent attorney may not exercise the rights and shall not be subject to the obligations arising from membership in the Chamber.

(5) The provisions laid down in sections 15 to 19 and paragraphs (1) and (2) hereof shall be applied *mutatis mutandis* to patent attorney offices and patent attorney companies as well.

Financial liability

Section 21

(1) Sole practitioner patent attorneys, patent attorney offices and patent attorney companies shall be liable for damages caused to the client in connection with the patent attorney mandate of agency according to the provisions of the Civil Code.

(2) The financial liability of a patent attorney being a member of a patent attorney office or of a patent attorney company shall be governed by the provisions of the statutes of the office or those of the articles of association, respectively, and the financial liability of a sole practitioner patent attorney, of a patent attorney employed by a patent attorney office or by a patent attorney company shall be governed by the provisions of the Labour Code.

Disciplinary liability

Section 22

(1) A natural person who is member of the Chamber or registered by the Chamber and is exercising patent attorney activities, ceased such activities or whose patent attorney activities has been suspended, commits a disciplinary offence, if

(a) in the course of exercising patent attorney activity he or she wrongfully or negligently violates his or her obligations laid down in laws, the Statutes of the Chamber, or in the Code of Ethics; or

(b) he wilfully or negligently engages in behaviour outside patent attorney activities and this seriously puts at risk the reputation of the profession of patent attorneys.

(2) The disciplinary sanctions that may be imposed on persons committing a disciplinary offence shall be the following:

(a) written reprimand;

(b) fine;

(c) exclusion from the public affairs of the Chamber;

(d) prohibition to employ trainee patent attorneys, and

(e) exclusion from the Chamber.

(3) The maximum amount of the fine imposed may be HUF five hundred thousand. Fines shall be the legal due of the Chamber. The use of fines shall be governed by the provisions of the Chamber's Regulations.

(4) An exclusion from the public affairs of the Chamber shall be for a definite period of time, its shortest duration shall be one year, and its longest duration shall be five years from the time the disciplinary decision becomes final and binding. During the period of exclusion from the public affairs of the Chamber, the person who committed the disciplinary offense may not hold any office in the Chamber, and his active and passive voting rights shall be suspended.

(5) A prohibition to employ trainee patent attorneys shall be for a definite period of time. The shortest duration of the exclusion shall be at least one year and its longest duration shall be five years from the time the disciplinary decision becomes final and binding.

(6) The shortest period of time of the disciplinary sanction of exclusion from the Chamber shall be one year and its longest duration shall be five years. No patent attorney activities may be exercised by the person concerned as long as the disciplinary sanction of exclusion from the Chamber is in effect.

(7) More than one disciplinary sanction may be applied simultaneously. The following sanctions, however, may not be applied together:

(a) written reprimand with any other disciplinary sanction, and

(b) exclusion from the Chamber with either exclusion from the public affairs of the Chamber or the prohibition to employ trainee patent attorneys.

(8) The disciplinary offence shall be considered according to the laws and the disciplinary regulations effective at the time when the offence was committed. If the laws, the Statutes of the Chamber or the disciplinary regulations effective at the time of consideration of the disciplinary offence are more lenient, they shall be applied.

Section 23

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

(2) If the intent or negligence of the patent attorney is of lesser degree and the breach of duty had no or only minor consequences, disciplinary proceedings and the imposition of a disciplinary sanction may be omitted, but the patent attorney may be required to pay the costs incurred with the proceedings.

(3) If the patent attorney against whom disciplinary proceedings are underway has admitted his or her intent or negligence in the alleged act or omission and agreed to dispense with the hearing, the disciplinary board [section 23/B(1)] may, with the exception specified in paragraph (4), give a decision without a hearing being held.

(4) The disciplinary sanction of exclusion from the Chamber may not be imposed without a hearing being held.

(5) The detailed rules of the disciplinary procedure shall be laid down in the disciplinary regulations issued by the Chamber.

Section 23/A

(1) The Chamber shall exercise disciplinary authority only over patent attorneys who are members of the Chamber at the time of instituting disciplinary proceedings.

(2) Termination of membership in the Chamber, with the exception of death, shall not hinder the conduct of disciplinary proceedings.

Section 23/B

(1) In hearing disciplinary cases the disciplinary committee of the Chamber [section 31(1)(c)] shall proceed by way of disciplinary boards consisting of three members (hereinafter referred to as “disciplinary board”).

(2) No one may act as chairperson or member of the disciplinary board who

(a) is a representative, former representative or relative, in the sense of the Civil Code, of the patent attorney subject to the proceedings;

(b) filed the complaint or is a representative, former representative, or a relative in the sense of the Civil Code, of the complainant;

(c) is the President, Vice President or a member of the Presidency of the Chamber;

(d) may be heard as a witness in the proceedings;

(e) is the subject of disciplinary or criminal proceedings, until the final and binding conclusion of those proceedings;

(f) cannot be expected to consider the case in an unbiased manner for any reason whatsoever.

(3) Persons against whom a ground for exclusion can be raised shall notify it immediately to the president of the disciplinary committee of the Chamber.

(4) If any circumstance arises that may question whether the chairperson or a member of the disciplinary board are free from bias, the patent attorney subject to the proceedings may introduce a complaint for bias.

(5) The president of the disciplinary committee shall decide about the grounds for exclusion. If the disciplinary board has lost its quorum, the president of the disciplinary committee shall appoint a new disciplinary board.

(6) If there is a ground for exclusion against the president of the disciplinary committee or he or she is prevented from acting, he or she shall be substituted for by the eldest member of the disciplinary committee.

(7) The chairperson of the disciplinary board and its members shall be independent in the conduct of disciplinary proceedings, they shall be subject exclusively to Acts of Parliament, and they shall neither be influenced nor given instructions in respect of their decisions.

(8) Paragraphs (2) to (4) and (7) shall apply *mutatis mutandis* to investigating officers, with the proviso that grounds for exclusion and complaints for bias shall be notified or submitted to the President of the Chamber who shall decide on the ground for exclusion or the complaint for bias, and shall appoint a new investigating officer, if necessary. Paragraphs (2) to (5) shall apply to keepers of the minutes as well.

Section 24

(1) If there is a well-founded suspicion of the commission of a disciplinary offence, disciplinary proceedings shall be instituted against the patent attorney by the President of the Chamber. Where necessary, within 30 days of becoming aware of the suspicion, he or she shall appoint an investigating officer from among the members and substitute members of the disciplinary committee in order to conduct a preliminary investigation into the case.

(2) If the President of the Chamber cannot act for reasons of a ground of exclusion [section 23/B(2)(a) to (b) and (d) to (f)], or because he or she is prevented from doing so, he or she shall be substituted for by the Vice-President of the Chamber.

(3) The President of the Chamber shall immediately inform the patent attorney subjected to disciplinary proceedings of the ordering of a preliminary investigation and of the reason of the proceedings.

(3a) The President of the Chamber shall inform the complainant within 15 days of the decision to open a preliminary investigation.

(4) The investigating officer shall clarify the circumstances relevant for establishing the facts of the case and obtain evidence for and against the patent attorney subjected to the proceedings. In order to do this, he or she shall take statements of the patent attorney subjected to the proceedings, hear the complainant and the witnesses, may use the services of experts, request the documents of the case from the patent attorney and take other evidence. Minutes shall be kept of all procedural steps.

(5) The proceedings of the investigating officer shall not be hindered by the fact that the patent attorney subjected to the proceedings fails to attend the hearing or to make a statement. The patent attorney shall be advised of this.

(6) The investigating officer shall make a report for the President of the Chamber of the findings of the investigation and shall attach the documents thereto.

(7) Preliminary investigations shall be completed within three months. In justified cases this time limit may be extended once for another three months.

(8) In the course of the preliminary investigation the patent attorney subjected to proceedings shall have the same rights as in the disciplinary proceedings.

Section 24/A

(1) If the President of the Chamber, on the basis of the facts which have come to his knowledge or of the report of the investigating officer, considers that there is a well-founded suspicion of a disciplinary offence, he or she shall take the decision to start disciplinary proceedings against the patent attorney within 30 days of becoming aware of the facts or of receiving the report, and shall at the same time send the documents of the case to the president of the disciplinary committee; he or she shall immediately notify the patent attorney subjected to the proceedings by communicating him the decision, as well as the complainant by communicating him an extract of the decision. The extract of the decision may not contain any patent attorney secrets or any data the complainant is not authorised to access. Disciplinary proceedings shall be instituted at the motion of the public prosecutor.

(2) The President of the Chamber shall refuse to institute disciplinary proceedings, terminate the proceedings, and within 15 days notify the complainant and the patent attorney subjected to the proceedings thereof, if

- (a) the complaint is manifestly unfounded;
- (b) no well-founded suspicion of a disciplinary offence can be established;
- (c) the starting of disciplinary proceedings is not possible any more; or
- (d) a final and binding disciplinary decision has already been adopted on the basis of the facts contained in the complaint.

(3) The complainant may bring the decision of the Chamber's President refusing to institute disciplinary proceedings before a court within thirty days of its notification. The provisions of section 24/G shall apply *mutatis mutandis*.

Section 24/B

(1) Following the decision to start disciplinary proceedings, the president of the disciplinary committee shall appoint the chairperson and members of the acting disciplinary board within eight days of receipt of the documents. The investigating officer acting in the case may not be the chairperson or a member of the disciplinary board.

(2) The chairperson of the disciplinary board – by simultaneously notifying the complainant and the patent attorney subjected to the proceedings – may take the following measures within 15 days of receiving the documents of the preliminary investigation:

- (a) order additional investigations and send back the documents to the investigating officer;
- (b) initiate the taking of a decision without a hearing [section 23(3)]; or
- (c) set the date for the hearing.

(3) The disciplinary board shall take a decision within 120 days. This time limit does not include the following: the time period open for the chairperson of the disciplinary board to take measures, the time period to adjudicate the case without holding a hearing, the time period for supplementing the preliminary investigation, and the period of time of the staying of the proceedings.

(4) In case the disciplinary board does not take a decision for twice the length of the time limit laid down in paragraph (3), it may apply only the sanction of written reprimand, if it establishes that a disciplinary offense has been committed. In such a case no new disciplinary proceedings may be initiated on grounds of the same disciplinary offense.

(5) If the patent attorney subjected to the proceedings requests a hearing within fifteen days of the notification of the decision taken without a hearing, the decision imposing a disciplinary sanction shall cease to have effect and the chairperson of the disciplinary board shall set the date for a hearing.

Section 24/C

(1) The patent attorney subjected to the proceedings, his or her representative and the investigating officer shall be summoned to the hearing at least eight days before the hearing. The President of the Chamber shall be notified of the hearing.

(2) If the patent attorney subjected to the proceedings, despite being duly summoned, fails to appear at the hearing, the hearing may be held also in his or her absence. The patent attorney subjected to the proceedings shall be advised of this in the summons.

(3) The patent attorney subjected to the proceedings, his or her representative and the President of the Chamber may at any stage of the proceedings make statements pertaining to the proceedings and the evidence, have access to the documents, request copies thereof, address questions to the witnesses or experts, and make offers of evidence.

(4) Hearings shall be open to the public. At the request of the patent attorney subjected to the proceedings or of his or her representative the disciplinary board may exclude the public at any stage of the proceedings. The disciplinary board shall exclude the public on its own initiative if this is necessary for the protection of patent attorney secrets or of personality rights.

Section 24/D

(1) The deliberation and the voting shall take place in closed session.

(2) Decisions of the disciplinary board shall be taken with the majority of the votes. The board member who is the rapporteur shall vote first and the chairperson of the disciplinary board shall give the last vote.

(3) In its decision the disciplinary board shall

(a) terminate the proceedings;

(b) declare the patent attorney guilty but abstain from imposing a disciplinary sanction in the case under section 23(2); or

(c) declare the patent attorney guilty and impose a sanction.

(4) Proceedings shall be terminated if

(a) any of the conditions specified in section 24/A(2)(c) or (d) apply;

(b) the disciplinary board establishes that the patent attorney subjected to the proceedings did not commit the alleged act or omission, or it does not qualify as a breach of duty or reprehensible behaviour; or

- (c) the guilt of the patent attorney subjected to the proceedings cannot be established.
- (5) In its decision the disciplinary board shall also make a decision as to costs.
- (6) The decision shall be signed by the chairperson and the members of the disciplinary board.
- (7) The decision and the grounds thereof shall be made public orally, except where no hearing has been held, and shall be served on the patent attorney subjected to the proceedings, on his or her representative and on the President of the Chamber.
- (8) The complainant shall be notified of the result of the disciplinary proceedings by communicating him the extract of the decision. The extract of the decision may not contain public attorney secrets or any data the complainant is not authorised to access.
- (9) Minutes must be kept of the hearing. The minutes shall be signed by the chairperson of the disciplinary board and the keeper of the minutes.

Section 24/E

- (1) The disciplinary board may suspend the exercise of patent attorney activities if
 - (a) the person exercising patent attorney activities is the subject of criminal proceedings because reasonable suspicion exists that he or she committed an intentional criminal offence, excluding criminal proceedings started on private prosecution or substitute private prosecution charges, or
 - (b) the continuation of patent attorney activities would be so detrimental to, or would put at such a risk, the rights and legitimate interests of his clients or the trust of the public necessary for the exercise of patent attorney activities that it would exceed the damage to the interests of the person concerned which would result from suspension of his patent attorney activities.
- (2) If the disciplinary board applied the sanction of exclusion and did not suspend the execution of the sanction, the patent attorney activities shall be suspended by the decision pending the final and binding result of the disciplinary proceedings. An appeal shall lie against this determination but such appeal shall have no suspensory effect.
- (3) The period of suspension shall be six months, and it can be extended once by another period of up to six months.
- (4) Within thirty days of receipt of the disciplinary board's decision on suspension the patent attorney may bring an action before the court against that decision. The provisions of section 24/G shall be applied *mutatis mutandis* to the proceedings, with the exception however, that such action shall not have suspensory effect concerning the execution of the decision.
- (5) During the period of suspension, the rights and duties deriving from membership and registration in the Chamber shall be put on hold, with the exception of the procedural rights and obligations of the patent attorney subject to the proceedings.

Section 24/F

- (1) If criminal proceedings have been instituted as well for the act of the patent attorney subjected to the proceedings, the disciplinary proceedings may be stayed until a final and binding decision is given in the criminal proceedings.
- (2) *[repealed]*
- (3) If the conduct of the disciplinary proceedings requires prior consideration of an issue where another authority is competent to conduct proceedings, the disciplinary proceedings may be stayed until a final and binding decision or a decision with administrative finality is given in those proceedings.

Section 24/G

(1) The patent attorney subject to disciplinary proceedings may bring an administrative-law action before the court against the decision of the disciplinary board within thirty days of receipt thereof.

(2) The action shall have suspensory effect on the execution of the decision.

(3) The court may annul or alter the decision of the disciplinary board and, if necessary, it may instruct the disciplinary board to recommence proceedings.

(4) The patent attorney subjected to the disciplinary procedure may be represented by a patent attorney as well. In remedy proceedings patent attorneys acting as representatives shall be considered legal representatives.

(5) The decision of the disciplinary board against which no action was brought shall become final and binding after thirty days of receipt thereof.

Section 24/H

(1) After a final and binding decision has been taken, the President of the Chamber, the patent attorney or in the event of his or her death, a relative of his or her pursuant to the Civil Code may initiate new proceedings on the grounds of new facts, evidence or the final and binding decision of an authority which have not been considered by the disciplinary board, provided that, if considered, they would have substantially affected the disciplinary decision. New proceedings shall also be conducted if in the main proceedings the chairperson of the disciplinary board or a member thereof breached his or her obligations, violating thereby the Criminal Code.

(2) New proceedings against the patent attorney may be initiated only in his or her lifetime and before the expiry of the limitation period [section 25(1) and (3)].

(3) The disciplinary board which proceeded earlier shall take a decision on whether new proceedings shall be instituted. The provisions of section 24/G shall apply *mutatis mutandis* to remedy against a decision of refusal of the disciplinary board.

Section 25

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

(2) During the preliminary investigations conducted by the investigating officer, but for a period not exceeding six months, the limitation period referred to in paragraph (1) shall be suspended.

(3) A disciplinary offence that constitutes a crime shall become time-barred together with the crime.

(4) *[repealed]*

(5) The final and binding disciplinary decision shall be kept on record by the Chamber as long as the sanction is effective.

(6) The disciplinary board shall see to it that its final and binding decision on the merits of the case be published in a digital format on the website of the Chamber within thirty days of it becoming final and binding, except if the decision is contested in administrative-law action. The data enabling identification of the persons referred to in the decision shall be masked in such a way as not to prevent learning the established facts of the case.

Section 25/A

(1) In the interest of equity a deserving person who is under the effect of disciplinary sanction may be exempted by the disciplinary board from the further legal effects of disciplinary sanctions

- (a) after at least half of the time period of exclusion, exclusion from the public affairs of the Chamber and prohibition to employ trainee patent attorneys, or
 - (b) after the payment of at least half of the amount of the fine.
- (2) On one occasion, the disciplinary board may allow a deserving person to pay his fine in instalments or grant him a deferment of payment.
- (3) No appeal shall lie against a decision pursuant to paragraph (1) and (2).

Trainee patent attorneys

Section 26

(1) The sole practitioner patent attorney, the patent attorney office, the patent attorney company and the economic entity employing a patent attorney [section 6(2)] may employ as a trainee patent attorney any person who has been authorized by the Chamber. Upon granting such authorization the Chamber shall register the trainee patent attorney.

(2) The Chamber shall authorize the activity of trainee patent attorneys for persons who

(a) are of Hungarian nationality, have the nationality of an EEA State, have a residence permit or immigrant status;

(b) have no previous criminal convictions;

(c) hold a university or master degree in engineering, information technology, or a similar degree in the field of health care or natural sciences, in particular a medical, veterinary, biologist, chemist, pharmacist, mathematician or physicist degree; and

(d) provide proof that they have concluded a preliminary agreement for being employed as trainee patent attorneys with an employer employing patent attorneys.

(3) No one shall become trainee patent attorney who

(a) is under disciplinary sanction involving removal from the register of trainee patent attorneys;

(b) is under guardianship limiting or excluding his or her legal capacity.

(c) is under the effect of a disciplinary sanction prohibiting him or her from exercising the profession of patent attorney.

(4) Applications for authorization to become trainee patent attorneys shall contain the following data, and one shall also attach, pursuant to those laid down in section 26/A, the copies of the documents certifying entitlement to exercise trainee patent attorney activity:

(a) the natural identification data and nationality of the applicant;

(b) the address of the applicant;

(c) the type, number, date and academic degree, if there is such, of the university diploma pursuant to section 2(2)(c); and

(d) the name, address, phone and fax number, and electronic address of the applicant's employer.

(5) The Chamber shall authorize the activity of trainee patent attorneys if

(a) the application meets the requirements of paragraph (4);

(b) applicants meet the requirements laid down in paragraph (2); and

(c) there is no ground disqualifying them pursuant to paragraph (3).

(6) Trainee patent attorneys shall notify the Chamber within 15 days of any change in their data referred to in paragraph (4) and in the conditions laid down in paragraph (2) or of the occurrence of any ground disqualifying them according to paragraph (3).

(7) The Chamber shall withdraw the authorization of any trainee patent attorney, and remove him or her from the list of trainee patent attorneys,

(a) who so requests in writing;

(b) whose employment as trainee patent attorney terminated and who does not prove before the Chamber the establishment of another employment relationship within three months from the termination;

(c) who has a previous criminal conviction or is under the effect of a prohibition to exercise the profession of patent attorney;

(d) who has been sanctioned in a final and binding judgment by a disciplinary punishment involving removal from the list of trainee patent attorneys;

(e) who lost his or her Hungarian nationality, EEA nationality, or resident permit or immigrant status in Hungary;

(f) who has been placed under guardianship limiting or excluding his or her legal capacity;

(g) who has been admitted to the Chamber;

(h) who dies.

(8) In the case referred to in paragraph (7)(b) the Chamber shall invite the trainee patent attorney to obviate the ground specified therein within 30 thirty days.

(9) [repealed]

Section 26/A

(1) Persons filing an application with the Chamber for authorization of their trainee patent attorney activity shall simultaneously with filing their application certify with an official certificate the fact that they satisfy the requirement specified in section 26(2)(b) and that there is no ground disqualifying them pursuant to 26(3)(c); alternatively they shall request the Criminal Records Office to forward the relevant data to the Chamber on the latter's request for data to decide on an application for authorization to exercise trainee patent attorney activity. For such requests of data the Chamber may request the data specified in paragraph (2) from the Criminal Records Office.

(2) Within the framework of official controls conducted during the exercise of trainee patent attorney's activity the Chamber shall verify whether the trainee patent attorney has any previous criminal conviction or whether he or she is under the effect of a prohibition to exercise the profession disqualifying him or her from trainee patent attorney activity. In order to perform such official controls the Chamber shall have the right to request data from the criminal records system. Requests for data shall be limited to information necessary to determine whether the trainee patent attorney has any previous criminal conviction or whether he or she is under the effect of a prohibition to exercise the profession disqualifying him or her from trainee patent attorney activity.

(3) Personal data obtained pursuant to paragraphs (1) and (2) may be processed by the Chamber

(a) until the decision with administrative finality is taken in proceedings on the authorization of trainee patent attorney activity;

(b) for the duration of the official control in proceedings for the authorization of trainee patent attorney activity, or until the decision with administrative finality is taken in proceedings for withdrawing the authorization.

Section 27

(1) The trainee patent attorney shall be entitled to proceed before a court and any other authority in accordance with the instructions of his or her employer; in the course of such proceedings he or she shall identify himself or herself by an official document with picture issued by the Chamber. Trainee patent attorneys shall not proceed before the Curia.

(2) To the obligations and disciplinary liability of trainee patent attorneys the provisions relating to patent attorneys shall apply *mutatis mutandis*, with the difference that the disciplinary

sanctions which may be imposed on trainee patent attorneys committing a disciplinary offence shall be the following:

- (a) written reprimand;
- (b) removal from the list of trainee patent attorneys.

Professional European Community representatives of industrial property rights

Section 27/A

(1) To the patent attorney activity in Hungary of professional European Community representatives of industrial property rights the provisions of this Act shall apply save as otherwise provided for in sections 27/B to 27/I.

(2) For the purposes of this Act professional European Community representatives of industrial property rights (hereinafter referred to as “Community representatives”) shall mean those persons who are entitled to engage in patent attorney activity in any other EEA State and are actually engaged in patent attorney activity there.

Section 27/B

(1) Any Community representative who wishes to engage in patent attorney activity in the territory of Hungary on a permanent basis or within the framework of cross-border service provision pursuant to the Act on the General Rules of Taking Up and Pursuing Service Activities (hereinafter referred to as “ad hoc service provision”) shall notify the Chamber of his or her intention to do so.

(2) *[repealed]*

(3) On the basis of the notification the Chamber shall enter the applicant into the register of professional European Community representatives of industrial property rights (hereinafter referred to as the “register of Community representatives”), if he or she

(a) provides proof, by producing the Hungarian translation of a document issued not earlier than three months from the date of production, that he or she is entitled to engage in patent attorney activity in another EEA State;

(b) provides proof of patent attorney liability insurance coverage; and

(c) pays the fee for being entered into the register.

(4) The requirement specified in paragraph (3)(a) shall be considered to be met if the applicant provides proof in the manner indicated therein that in the matters under section 1 he or she is entitled to represent clients before the central industrial property authority of his or her home State of operation. If in the Member State concerned no special professional qualifications are required for representation, in order to receive authorization to represent clients the applicant has to provide proof that he or she represented clients for at least five years in the matters under section 1 before the central industrial property authority of said Member State. If the applicant acquired special professional qualifications for representing clients and these qualifications have been officially recognized according to the laws of the latter Member State, the applicant shall not be required to prove previous representation activity.

(5) *[repealed]*

(6) At the same time as entering them into the register, the Chamber shall issue an official document with picture for Community representatives so that they can identify themselves in proceedings before a court or other authority.

(7) *[repealed]*

Section 27/C

(1) The register of Community representatives shall be kept by the Chamber and it shall contain the following data of Community representatives:

(a) name and nationality;

(b) address in the home Member State and the address in Hungary, if any;

(c) name and address of the representative's patent attorney office or company, office or company of professional European Community representatives of industrial property rights, in the case of Community representatives working in employment the name and address of the employer and, where appropriate, of the cooperating sole practitioner Hungarian patent attorney, patent attorney office or company;

(d) data on entry into the register, removal from the register, and data relating to the commencement, suspension, interruption and termination of activity;

(e) the nature of the activity (provision of permanent or of ad hoc services)

(f) the name of the Member State where the representative is authorized to engage in patent attorney activity; and

(g) the representative's professional designation (if necessary with an additional explanation in Hungarian) and the designation of the representative's professional industrial property representation association, as it is used in his or her home Member State.

(2) Community representatives shall notify the Chamber within fifteen days of any changes in their data contained in the register pursuant to paragraph (1).

Section 27/D

(1) Any Community representatives entered in the register of Community representatives shall be admitted, at their request, to the Chamber as patent attorneys, if he or she

(a) meets the requirements laid down in section 2(2)(a) to (c) and section 2(3), and the disqualifying grounds pursuant section 2(4) do not apply;

(b) proves to the satisfaction of the Chamber, in particular with documents on the number and nature of cases handled by him or her, or in any other way at the invitation of the Chamber, that he or she pursued patent attorney activity relating to Hungarian law during three years without interruption in the territory of Hungary; and

(c) proves, in a manner specified by the Chamber, that he or she has sufficient command of the Hungarian language and expertise of Hungarian law to pursue patent attorney activity.

(2) *[repealed]*

(3) *[repealed]*

(4) If the Community representative has been admitted to the Chamber, he or she shall become a member of the Chamber.

Section 27/E

(1) The Community representative shall be removed from the register if he or she

(a) does not meet the requirements laid down in section 27/B(3);

(b) has been sanctioned in a final and binding decision in disciplinary proceedings by being prohibited from exercising the profession of patent attorney in the territory Hungary;

(c) *[repealed]*

(d) has been admitted to the Chamber;

(e) has requested to be removed from the register; or

(f) dies.

(2) In the case referred to in paragraph (1)(a) the Chamber shall invite the Community representative to obviate the ground for removal within 30 thirty days.

(3) The membership of the patent attorney admitted to the Chamber pursuant to section 27/D shall terminate, in addition to the cases laid down in section 5, if his or her authorization to pursue patent attorney activity was terminated in the Member State in which it was granted.

Section 27/F

(1) The Community representative may engage in any of the activities laid down in section 1, but may use only that professional designation in a foreign language to the use of which he or she is entitled in the Member State in which he or she is authorized to pursue patent attorney activity; he or she shall furthermore indicate in the official language of that Member State the name of the professional organisation of which he or she is a member. The professional designation shall be complemented with an explanation in Hungarian as well if it can be confused with the Hungarian designation of patent attorney.

(2) *[repealed]*

(3) *[repealed]*

(4) In cases where a law prescribes compulsory representation and a patent attorney is authorized to such representation, a Community representative may act as a representative only if he or she concluded a contract of cooperation with a sole practitioner patent attorney, a patent attorney office or a patent attorney company.

(5) In all cases requiring compulsory representation and in which the Community representative acts for the first time before a court or other authority, he or she shall produce the contract of cooperation. If the contract of cooperation terminates, the Community representative shall notify thereof the court or authority for which he or she certified earlier the existence of such cooperation.

(6) In exercising the profession of patent attorney the Community representative shall comply with the provisions of this Act and, in respect of the representation of clients, with the provisions of the Code of Ethics of patent attorneys; in respect of other activities the provisions of that Member State shall apply in which the Community representative is authorized to practise as patent attorney.

(7) The provisions of this Act relating to disciplinary liability as well as the patent attorney disciplinary regulations shall apply to Community representatives with the proviso that instead of the disciplinary sanction of exclusion from the Chamber, the sanction of prohibiting from the exercise of the patent attorney profession in the territory of Hungary shall be applied. Disciplinary proceedings shall be instituted also when the Community representative gives the appearance that he or she is a patent attorney or is entitled to use the designation of patent attorney. The Chamber shall exercise its disciplinary authority against that person who was providing services as a Community representative when disciplinary proceedings were started. Disciplinary sanctions against Community representatives and the date of their expiry shall be indicated in the register of Community representatives.

Section 27/G

(1) Community representatives may pursue their activity as employees of patent attorneys or be employed by economic entities. To such activity of the Community representative the provisions of this Act pertaining to patent attorney employees and to employment by an economic entity shall apply *mutatis mutandis*.

(2) Community representatives entered into the register shall be entitled to establish membership relation with a patent attorney office or patent attorney company.

(3) If a patent attorney office or patent attorney company has only Community representatives as members or if the name of the of a patent attorney office or patent attorney company does not comprise the surname of at least one patent attorney member, then the name of the office or company

must be that of a professional European Community representation office of industrial property rights or a professional European Community representation company of industrial property rights, to which may be attached the designation, in a foreign language, of the professional industrial property rights association registered in an EEA State, of which the Community representative is a member.

(4) Otherwise the provisions of this Act pertaining to patent attorney offices or patent attorney companies shall apply *mutatis mutandis* to professional European Community representation offices of industrial property rights or a professional European Community representation companies of industrial property rights.

Section 27/H

(1) If necessary, the Chamber shall contact the competent registry authority of the country in which the Community representative is authorized to pursue patent attorney activity in connection with all matters related to the activity of the Community representative, in particular in connection with disciplinary matters and matters of entry or removal from the register.

(2) The Chamber shall be bound by the obligation of secrecy in respect of any fact or data obtained pursuant to paragraph (1).

Section 27/I

(1) The Chamber shall ensure the representation of Community representatives in the public life of the Chamber.

(2) Community representatives may set up their own committee in the Chamber. The Chamber shall obtain the advice of the committee before taking of any decision or drawing up any regulation which lays down rights and obligations in respect of Community representatives.

The Hungarian Chamber of Patent Attorneys

Section 28

(1) The Chamber shall be the public body of patent attorneys. The Chamber shall not be registered by the regional court.

(2) The Chamber's competence shall extend over the whole territory of the country; its seat shall be in Budapest.

(3) *[repealed]*

(4) The Chamber shall perform the public tasks specified in Acts, as well as represent the interests and safeguard the rights of patent attorneys, oversee the fulfilment of the patent attorneys' obligations and uphold the good reputation of the patent attorney profession.

(5) The Chamber shall have the right to be consulted in the drafting of laws affecting patent attorney activities; it shall be entitled to give its opinion on general issues concerning the protection of industrial property and to submit proposals to the competent state organs.

(6) The operating expenditures of the Chamber shall be covered by the contributions of the members and its other revenues.

Section 28/A

(1) The Chamber shall keep a register of patent attorneys, trainee patent attorneys, patent attorney offices and patent attorney companies. In the register the following information shall be indicated:

(a) the patent attorney's and the trainee patent attorney's name, address, nationality, date and place of birth, mother's name, type, number and date of university diploma, academic degree, the address, phone and fax number, electronic address of his or her office, and, where applicable, the address, phone and fax number, electronic address of his or her employer;

(b) the name, seat, phone and fax number, electronic address of the patent attorney office and patent attorney company, as well as the address of any branch office(s), and the name of patent attorney members, employed patent attorneys, and employed trainee patent attorneys;

(c) data relating to the patent attorney's admission to the Chamber, the taking of the oath, the suspension of patent attorney activity and the termination of membership in the Chamber, as well as data on the entering into and removal from the register of trainee patent attorneys;

(d) data relating to the registration, establishment, conversion, termination or removal from the registry of patent attorney offices and patent attorney companies as well as data relating to their directors;

(e) any disciplinary sanction of the patent attorney and the trainee patent attorney and the date of expiry of said punishment.

(2) The Chamber shall have the right to process all data to the processing of which the person concerned consented, as well as all data which it obtained lawfully for the purposes of such proceedings.

Section 29

(1) Members of the Chamber

(a) may take part, and shall have to vote, in the general meeting of the Chamber;

(b) may be elected to any office unless they are under the effect of a disciplinary sanction;

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

(2) Members of the Chamber shall be bound to

(a) observe the regulations issued by the Chamber;

(b) pay on time the membership contributions and the occasionally prescribed extraordinary contributions to the Chamber, and supply all data prescribed by the Chamber for determining the amount of membership contributions;

(c) *[repealed]*

Administrative law proceedings of the Chamber in official matters

Section 30

(1) The Chamber shall act as an administrative authority according to the Act on the General Code of Public Administration Procedure in the following matters (hereinafter referred to as "official matters of the Chamber"):

(a) admission to the Chamber and establishment of the termination of membership in the Chamber, except for the cases when membership terminates as a result of the disciplinary sanction of exclusion or of the death of the patent attorney;

(b) the examination and acknowledgement of the suspension and recommencement of patent attorney activity;

(c) entry into the register of trainee patent attorneys and removal therefrom, except for the cases when removal takes place as a result of the disciplinary sanction of exclusion or of the death of the trainee patent attorney;

(d) entry into the register of patent attorney offices and patent attorney companies and removal therefrom, except for the cases when removal takes place as a result of a final and binding decision of the company court removing the patent attorney company from the company register;

(e) the examination and acknowledgement of the amendment of the statutes of the patent attorney offices and of the articles of association of patent attorney companies;

(f) entry into the register of Community representatives and removal therefrom, except for the cases when removal takes place as a result of the disciplinary sanction of exclusion or of the death of the Community representative.

(2) In official matters of the Chamber applications may be submitted only to the Chamber, and if such applications are submitted orally, they shall be made in person. Applications submitted by way of fax and electronic communication devices shall not be considered as written applications.

(3) If the client's application is incomplete, the Chamber shall invite him or her within thirty days to supply the missing data, indicating the time limit for supplying the missing information and warning him or her of the legal consequences of failure to do so. A time limit of at least thirty days shall be set for the client, which may be prolonged at his or her request submitted before the expiry of the time limit.

(4) In official matters of the Chamber the Presidency of the Chamber shall proceed.

(5) Proceedings by the Chamber for the establishment of the termination of membership, removal from the register of Community representatives, of trainee patent attorneys or of patent attorney offices and of patent attorney companies shall be instituted of its own motion if the Chamber becomes aware of a ground for termination or removal. In proceedings instituted this way the Chamber may invite the client to make statements and oblige him or her to communicate the data necessary for a decision on the merits of the case.

(5a) In proceedings pursuant to section 9(2)(a) for the removal of the patent attorney office from the register, a precondition for the decision of removal is a declaration, on a form issued for this purpose, of the State Tax Authority and of the Customs Authority that the office complied with its obligation of filing a tax return, has no tax arrears or tax payment obligation established in a final and binding decision, that there are no tax authority proceedings under way concerning the office, and that the State Tax Authority and the Customs Authority are not initiating control or enforcement proceedings. In order to obtain the declaration of the tax authority in the course of its official proceedings the Chamber shall contact the tax authority and the time elapsed until the receipt of the declaration shall not count towards the time limit for the taking of the decision.

(6) For patent attorneys the Chamber shall issue a "Card for Patent Attorneys" which shall contain the following data:

(a) name, date and place of birth of the patent attorney;

(b) organizational form of the activity of the patent attorney;

(c) name and address of the office or company of his or her activity, or name and address of the economic entity;

(d) card number;

(e) date of issuing the card; and

(f) photo and signature of the patent attorney.

(7) For trainee patent attorneys the Chamber shall issue a "Card for Trainee Patent Attorneys" which shall contain in respect of the trainee patent attorney the data referred to in paragraph (6)(a) and (c) to (f).

(8) For Community representatives the Chamber shall issue a "Card for Professional European Community Industrial Property Representatives" which shall contain the data referred to section 27/C(1)(a) to (c) and (e) to (g).

(9) The cards referred to in paragraphs (6) to (8) shall be issued by the President or the acting Vice-President of the Chamber.

(10) *[repealed]*

(11) The matters specified in paragraphs (6) to (9) may not be dealt with electronically.

Section 30/A

In its statutes or regulations the Chamber may specify those matters which are to be dealt with by applying the provisions of the Act on Electronic Administration and Trust Services relating to electronic administration, also if the client is a member or employee of the Chamber and the procedure does not qualify as an official public administration matter.

Organization of the Chamber

Section 31

- (1) The organs of the Chamber shall be
 - (a) the general meeting;
 - (b) the Presidency;
 - (c) the disciplinary committee; and
 - (d) the audit committee.
- (2) The officers of the Chamber shall be the President, two Vice-Presidents and the treasurer.
- (3) The Chamber shall be represented by the President, or if he or she is prevented from acting, by the Vice-President, and in the matters and cases specified by the President either by the Vice-President or a member of the Presidency.
- (4) The general meeting of the Chamber and the sittings of the Presidency shall not be public.

Section 32

- (1) The general meeting of the Chamber shall consist of all the members, and shall have exclusive competence
 - (a) to establish and amend the statutes and the disciplinary regulations of the Chamber;
 - (b) to elect for a term of three years, and to recall, by secret ballot the officers, other members and alternate members of the Presidency, the chairperson, members and alternate members of the disciplinary committee and audit committee; and
 - (c) to determine the amount of the membership contribution of patent attorneys, the statistical reporting requirements necessary for determining the amount of the membership contribution, the fee for the registration of Community representatives, and any occasionally payable extraordinary contributions to the Chamber.
- (2) The general meeting shall have a quorum if at least half of the members are present. If the regularly convened general meeting has no quorum, the general meeting reconvened within fifteen days shall have a quorum on the issues of the original agenda, irrespective of the number of those present.
- (3) The decisions of the general meeting shall be adopted by a simple majority of votes, except for the decisions taken on the statutes, the disciplinary regulations and recall of officers, where the votes of at least two-thirds of the members present shall be required.

Section 33

- (1) The organizational and operational rules of the Chamber shall be laid down in its statutes.
- (2) The Chamber shall issue disciplinary regulations on the detailed rules of disciplinary liability and a Code of Ethics relating to the practice of the patent attorney profession.
- (3) The Chamber shall determine in a regulation the minimum amount of liability insurance for patent attorneys.
- (4) Within the framework of laws the Chamber may issue further regulations regarding other issues affecting patent attorney activity.

Section 33/A

Members of the Chamber may bring administrative-law action in court against any unlawful decision of the Chamber, with the exception of decisions on matters falling within the scope of the Act on the General Code of Public Administration Procedure (section 30).

Supervision of legality

Section 34

(1) The President of the Hungarian Intellectual Property Office shall exercise supervision of legality over the operation of the Chamber.

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

(3) Under the supervision of legality it shall be examined

(a) whether the regulations of the Chamber are in accordance with the laws;

(b) whether the decisions of the Chamber are in accordance with the laws and with the regulations of the Chamber.

(4) Concerning decisions of the Chamber specified in section 30, supervision of legality may be exercised only if no legal remedy was sought against the decision in question.

Section 35

(1) Should the statutes, disciplinary regulations or any other regulations of the Chamber be contrary to a law, or should the decision of the Chamber be contrary to a law or to the regulations of the Chamber, the President of the Hungarian Intellectual Property Office shall invite the Chamber to terminate the infringement of the law within the time limit set.

(2) Should the Chamber not take the necessary measures within the time limit set to terminate the infringement of the law, the President of the Hungarian Intellectual Property Office may bring an action before the court within thirty days from the expiry of the time limit. In these proceedings the Budapest-Capital Regional Court (Fővárosi Törvényszék) shall have jurisdiction, and the general rules of the Code of Civil Procedure shall apply.

(3) On the basis of an action brought by the President of the Hungarian Intellectual Property Office the court may

(a) annul the regulations of the Chamber which are contrary to a law, its decision contrary to a law or to its own regulations, respectively, and may order that new regulations be issued or a new decision be taken, if necessary;

(b) convene the general meeting of the Chamber in order to restore the legality of operations.

Final provisions

Section 36

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

(2) *[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 reports and on book-keeping, pertaining to attorneys-at-law and attorney-at-law offices shall apply to sole practitioner patent attorneys and patent attorney offices as well.

Transitional provisions

Section 37

[repealed]

Section 38

(1) Patent attorneys who lawfully participated in the founding general meeting of the Chamber shall become members of the Chamber with effect from the date of the founding general meeting.

(2) *[repealed]*

(3) Any person who was entered into the list of patent attorneys kept with the Hungarian Intellectual Property Office before the entry into force of this Act, but may not be admitted to the Chamber under section 2(4)(d), shall be admitted to the Chamber upon his or her request submitted within three months of termination of the ground excluding admission.

Section 39

(1) Any patent attorney work team existing at the date of entry into force of this Act shall continue its activity as a patent attorney office.

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

(3) *[repealed]*

(4) Should the association patent attorneys transfer its assets to the Chamber for no consideration, the assets so obtained shall be exempt from duties and taxes.

Section 39/A

(1) Conflicts of interest originating from the entry into force of sections 14 and 14/A laid down by section 32 of Act CXXXVI of 2017 on the Amendment of Certain Acts in connection with the Entry into Force of the Act on the Activity of Attorneys-at-law and of Other Justice related Acts (hereinafter 'Act CXXXVI of 2017') shall be eliminated by 30 June 2018.

(2) Sections 16 and 16/A laid down by section 34 of Act CXXXVI of 2017 shall be applied in cases and proceedings brought after 31 December 2017.

(3) The provisions in effect on 31 December 2017 shall be applied to the effect of disciplinary sanctions imposed before 1 January 2018. Section 25/A shall not be applied to disciplinary sanctions imposed before 1 January 2018.

Authorizations

Section 40

(1) The Minister exercising the rights of supervision over the Hungarian Intellectual Property Office shall be authorized to establish by decree, in consultation with the President of the Hungarian Intellectual Property Office and in agreement with the Minister responsible for justice, the rules concerning the patent attorney examination.

(2) The Minister exercising the rights of supervision over the Hungarian Intellectual Property Office shall be authorized to establish by decree, in consultation with the President of the Hungarian Intellectual Property Office and in agreement with the Minister responsible for professional and adult education and the Minister responsible for employment policy, the rules concerning professional qualifications for industrial property protection.

(3) The Minister responsible for justice shall be authorized to establish by decree, in consultation with the President of the Hungarian Intellectual Property Office and in agreement with the Minister exercising the rights of supervision over the Hungarian Patent Office, the costs and appointment fees of patent attorneys that may be established in court proceedings.

Compliance with the law of the European Union

Section 41

This Act shall ensure compliance with Article 24 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the rights of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.