

Law on the Harmonization of the Legislation on Patents for Industrial Designs with the Provisions of the Hague Agreement of November 6, 1925, as Revised, Ratified by Law No. 744 of October 24, 1980

(Law No. 60 of February 14, 1987)*

(Extracts)

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Title I Provisions Implementing the Hague Agreement Concerning the International Deposit of Industrial Designs

1.-

(1) Italian natural and legal persons and persons having a domicile or an effective establishment in Italy may file international applications for protection of industrial designs directly with the International Bureau or with the Central Patent Office, in accordance with [Article 4\(1\) of the Hague Agreement of November 6, 1925](#), as revised, ratified by Law No. 744 of October 24, 1980, hereinafter referred to as the Agreement.”

(2) The application may be sent to the Central Patent Office by registered post with confirmation of receipt.

(3) The filing date of the application shall be that laid down in [Article 6\(2\) of the Agreement](#).

* *Italian title*: Legge 14 febbraio 1987, n. 60. Armonizzazione della normativa in materia di brevetti per modelli e disegni industriali con le disposizione dell'accordo dell'Aja del 6 novembre 1925, e successive revisioni, ratificato con legge 24 ottobre 1980, n. 744.

Entry into force: March 20, 1987.

Source: Gazzetta ufficiale della Repubblica Italiana of March 5, 1987, pp. 4 et seq.

Note: Those parts of the Law not reproduced here have been incorporated in the various amended texts, see Industrial Property Laws and Treaties, ITALY - Texts 1-007, 1-008 and 2-001.

** Added by WIPO.

2.-

The international application must comply with the provisions of the Agreement and of its Regulations and with those of the Administrative Instructions of the International Bureau and must be drawn up in the French or English languages on the forms provided by the International Bureau.

3.-

Even where priority is claimed under [Article 9 of the Agreement](#), the Central Patent Office shall forward the international application to the International Bureau within 60 days of receipt, after having carried out a formal examination.

4.-

(1) The applicant must pay the fees laid down in the schedule of fees annexed to the Regulations under the Agreement.

(2) The time limits and conditions of payment of the fees referred to in the above [paragraph \(1\)](#) may be established, in compliance with the provisions of the Agreement and the Regulations and of the Administrative Instructions of the International Bureau, by decree issued by the Minister for Industry, Commerce and Handicrafts in agreement with the Minister for Finance.

5.-

(1) An international application in which Italy is designated for the purposes of protection shall be equivalent to a national application and shall have the same effects as from the filing date referred to in [Article 6\(2\) of the Agreement](#), within the limits laid down in [Article 7\(1\)\(b\) of the Agreement](#).

(2) Renunciation in respect of some of the industrial designs contained in a multiple deposit, in accordance with [Article 13 of the Agreement](#), shall have the limitative effects laid down in [Section 59quater of Royal Decree No. 1127 of June 29, 1939](#), as amended.

Title II

Revision of National Legislation on Compulsory Licensing for Utility Models, Conversion of Annulled Patents and Harmonization of the Field of Industrial Designs with the Provisions of the Hague Agreement

6. to 16.

17.-

(1)¹

(2) The commitment of a sum of Lire 80 million shall be authorized for the purposes of [paragraph \(1\)](#) for the year 1986.

(3) The commitment deriving from the provision of [paragraph \(2\)](#) shall be met by funds available in the Industrial Restructuring and Reconversion Fund in compliance with the authorization for commitment of funds referred to in [Section 16 of Law No. 675 of August 12, 1977](#), as amended by [Section 9 of Decree-Law No. 23 of January 30, 1979](#), itself converted, with amendments, by Law No. 91 of March 29, 1979, and therefore correspondingly reduced. The amount referred to in [paragraph \(2\)](#) shall be credited by the Fund to the State budget for recommitment to the relevant budget item of the Ministry of Industry, Commerce and Handicrafts.

(4) The Minister for Finance shall be authorized to make, by decree, the necessary amendments to the budget.

¹ See section 71, paragraph 4, of the Law on Patents for Inventions, Industrial Property Laws and Treaties, ITALY - Terxt 2-001.

Title III

Adaptation of the Government Granting Fees to the Extended Term of Patents for Models and Regularization of Conversions

18.–

Item No. 92 of the schedule annexed² to this Law shall replace [item No. 92 of the schedule annexed to Decree of the President of the Republic No. 641 of October 26, 1972](#), as amended.

19.–

(1) For the applications for utility model patents and industrial design patents filed prior to the date of entry into force of Law No. 265 of May 23, 1977, whose original four-year term of validity had not expired at that date, the patent granting fee paid for such four-year period shall be deemed payment of the fee for a period extending to four months after the entry into force of this Law.

(2) The subsequent term shall be subject to payment of the fee for the second five-year period within the four-month time limit laid down by [paragraph \(1\)](#) or, if that time limit has already expired, of the fee for the third five-year period.

(3) After expiry of the above-mentioned time limits, payment may be made within the following six months on payment of the surcharge laid down in [item No. 92.12 of the schedule annexed to Decree of the President of the Republic No. 641](#), as amended.

20.–

(1) In the case of utility model patents and industrial design patents, the patent granting fee paid prior to the date of entry into force of this Law must be supplemented by payment of an amount equal to the difference between the granting fee as paid and that shown in the schedule referred to in [Section 18](#) of this Law.

(2) Such payment must be made within four months from the date of entry into force of this Law; on expiry of that time limit, payment may be made within the following six months on payment of the surcharge laid down in [item No. 92.12 of the schedule annexed to Decree of the President of the Republic No. 641 of October 26, 1972](#), as amended.

21.–

(1) In the case of a patent converted as a result of a final decision, the owner shall be required to supplement payment of the fees by payment of an amount equal to the difference between those already paid and those applicable to the patent resulting from the conversion.

(2) Payment is due within a period of four months as from the date on which the conversion decision has become final or may be made within the following six months on payment of the surcharge laid down in [item No. 92.12 of the schedule annexed to the Decree of the President of the Republic No. 641 of October 26, 1972](#), as amended. Conversion of a patent shall give no entitlement to a refund of fees.

22.–

If the payment has not been made on expiry of the time limits laid down for making payments referred to in the preceding [Sections 19, 20 and 21](#), the patent application shall be deemed to have been withdrawn as from the last day applicable for the payment of the fee without surcharge.

23.–

To meet the tasks deriving from this Law, the Minister for Industry, Commerce and Handicrafts may, pending restructuring of the staff of the Ministry of Industry, Commerce and Handicrafts, request other State

² Not reproduced here (Editor's note).

administrations, including the autonomous administrations - with the exception of the customs administration - and the public bodies, even those of an economic nature, to second staff, detailed by name, as necessary up to a maximum of five persons. The expenditure relating to such staff shall remain the responsibility of the original State administration or body.

This Law, bearing the seal of State, shall be included in the Official Collection of Legislative Acts of the Italian Republic. Those persons concerned shall be required to observe the Law and to have it observed as a Law of the State.
