

GREECE

New law amends rules concerning patent licences

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Law 4605/19, enacted last week, introduced important amendments to Greek patent law and more specifically to the provisions relating to licences.

According to the new provisions, a licence agreement concerning a patent will only take effect once it is recorded in the patent register.

Furthermore, the new law includes amendments and new provisions regarding compulsory licences in an effort to make these more practical and attractive. According to the new provisions, competence for the grant of compulsory licences at the request of a third party, in case the invention has not been worked by the patentee, is transferred from the civil courts to the patent office. The latter is also responsible for determining the terms of the compulsory licence, including the scope, duration and royalties.

The provisions relating to compulsory licences granted in the public interest by the state are also amended. According to the new provisions, the Ministries of Finance and Development together with any competent ministry may decide to subject a patent to the regime of compulsory licences for reasons of public interest. Such reasons are (i) that the products or processes under the patent are provided to the public in insufficient quantities, quality or that their price is unusually high compared to the price of similar products in other markets, (ii) public health reasons, (iii) the exploitation of the patent is considered an act of unfair competition, (iv) the exploitation of the patent is necessary to comply with a standard for reasons of public interest or (v) the lack of exploitation of the patent harms the economic and technological development of the country.

Once a patent is subjected to the above

regime, any interested third party may file a request for the grant of a licence from the minister of finance and development. The duration and scope of the licence are established by the decision.

Under the former legal regime no compulsory licence was ever granted. According to the explanatory memorandum of the new law, the amendments aim to change that and provide a flexible and reliable legal framework that would allow optimum use of inventions for the overall benefit of the public.