

Regulations on Patents for Industrial Inventions

(Royal Decree No. 244 of February 5, 1940,
as last amended by Decree of the President of the Republic
No. 338 of June 22, 1979)*

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Title I

Procedure for Grant of Patents

Chapter I: Applications in General

(The Applicant)

1. Under Royal Decree No. 1127 of June 29, 1939, which contains the legislative provisions concerning patents for industrial inventions, an application for a patent for an industrial invention may be filed by an Italian or foreign citizen, whether natural persons, companies, associations or legal entities (*enti morali*), as well as collectively by more than one natural person.

If an application is filed by a company, association or legal entity, it shall indicate the trade name and registered office of the company or legal entity.

2. [repealed]

* *Italian title*: Regio Decreto 5 febbraio 1940, N. 244 (Testo aggiornato delle disposizioni regolamentari in materia di brevetti per invenzioni industriali).

Entry into force (of last amending Decree): August 22, 1979.

Source: Communications from the Italian authorities.

Note: For the text of the Law on Patents for Inventions (Royal Decree No. 1127 of June 29, 1939, as last amended by Decree of the President of the Republic No. 338 of June 22, 1979, see *Industrial Property Laws and Treaties*, ITALY-Text 2-001.

** This Table of Contents as well as the Section titles were added by the Italian authorities; they do not form part of the Decree.

(Contents of the Application)

3. The application shall be filed by the inventor, by his successors in title or by his agent.

It shall contain:

(1) the surname, given name, nationality and domicile of the applicant and, where applicable, those of his agent. Any change in the domicile indicated in the application shall be communicated to the Central Patent Office;

(2) the title of the invention describing briefly and accurately its characteristics and scope.

Protection for special indications or signs the purpose of which is to distinguish the invention may only be granted through a separate application made under the Law on Trademarks.

A single application may not contain a request for several patents nor a request for one patent covering several inventions.

(Accompanying Documents)

4. The following documents shall be attached to the application:

(1) the description of the invention;

(2) if possible, drawings of the invention;

(3) the document proving payment of the prescribed fees;

(4) the prescribed revenue stamp to be used on the patent.

If there is an agent, the application shall be accompanied by a procuration or power of attorney.

If priority is claimed, the document provided for in Section 11 *et seq.* shall also be attached;

(5) the designation of the inventor.

(Description and Claims)

5. The description, containing the indications specified in Section 28 of Royal Decree No. 1127 of June 29, 1939, shall commence with a summary drawn up for technical information purposes only and shall terminate with one or several claims showing specifically what constitutes the subject matter of the patent.

The description shall be indelibly and clearly written or printed on the appropriate stamped paper or on paper of the same format bearing a duly cancelled revenue stamp. The application shall be accompanied by three original copies of the said description, the authenticity of which the applicant shall be guarantor. The three original copies shall be signed by the applicant or his agent.

(Microbiological Inventions)

^{5^{bis}}. An application for a patent concerning a microbiological process or a product thereof shall be considered as having been described within the meaning of Section 28 of Royal Decree No. 1127 of June 29, 1939 when:

(1) a culture of the microorganism has been deposited with a deposit center for such cultures, not later than the date of filing of the patent application;

(2) the application as filed contains the relevant information available to the applicant on the characteristics of the microorganism;

(3) the application indicates the authorized deposit center with which the culture of the microorganism has been deposited, as well as the number and date of the said deposit, the Central Patent Office having authority to request a copy of the receipt of the deposit.

Authorized centers shall be considered those recognized for the purposes of obtaining a European patent or any international authority recognized under a convention ratified by Italy.

The information specified under subparagraph (3), above, may be submitted within two months from the date of filing the patent application. The communication of this information shall be considered as an irrevocable unreserved consent on the part of the applicant to make the deposited culture available to any

person who, as from the date on which the patent application became available to the public, submits a request to the deposit center with which the microorganism has been deposited.

The aforesaid request shall be communicated to the applicant or the proprietor of the patent and shall contain the following indications:

- (1) the name and address of the person making the request;
- (2) an undertaking by the person making the request vis-à-vis the applicant or the proprietor of the patent not to make the culture available to any third party;
- (3) an undertaking to the effect that the culture will only be used through a named qualified expert for experimental purposes only up until the date on which the patent application is rejected or withdrawn or the patent has finally expired or been declared null and void and can no longer be restored in favor of the applicant or the proprietor of the patent under the provisions of Section 90 of Royal Decree No. 1127 of June 29, 1939.

The expert designated for such purposes shall be jointly responsible for any violation committed by the person making the request.

(Figures and Drawings)

6. Figures in drawings of the invention shall be numbered consecutively even when they are composed of several tables. The numbers of figures as well as those of the letters appearing on the various parts shall be repeated in the description.

Drawings shall be reproduced in indelible black ink on thin cardboard, drawing paper or canvas and shall bear the prescribed duly cancelled revenue stamps. They shall be in the form of tables measuring 21 cm X 33 cm, with a margin of at least 2 cm. Three original copies of the said drawings, for whose authenticity the applicant is responsible, shall be attached to the application and shall be signed by the applicant or his agent.

(Other Copies)

7. Should the applicant only provide one copy of the description or drawings, he may submit the other two copies within two months from the date of filing of the application.

The same time limit shall be granted for submission of the designation of the inventor or for the power of attorney.

(Power of Attorney)

8. The power of attorney provided for in Section 94 of Royal Decree No. 1127 of June 29, 1939, shall be signed by the applicant and countersigned by the agent.

The power of attorney shall be considered a private agreement governed by Section 485 of the Penal Code.

(Use of the Procuration)

9. An agent who has submitted a general procuration may refer to it in any subsequent patent application made in the name of the same agent.

10. [repealed]

Chapter II: Procedure for Claiming Priority

(Documents)

11. When priority is claimed for a filing made in accordance with international conventions in force, the application shall be accompanied by a document indicating the name of the applicant, the title, the description and the drawings of the invention that is the subject of the filing, as well as the date on which it was filed.

If the filing is followed by others, the applicant shall prove that he is the successor or successor in title of the original applicant.

(Translation)

12. The documents mentioned in the preceding Section shall be accompanied by a translation into Italian showing any quantitative indications both in their original form and in the decimal metric system.

The Central Patent Office shall have the right to request that the translation be verified and authenticated by the Italian authorities.

Certificates, likewise translated and issued by directors or presidents of patent offices in States members of the International Union for the Protection of Industrial Property, shall be exempt from legalization and may be replaced by official publications bearing the official stamp or certification of the office from which they came.

The applicant shall be responsible for the exact conformity of the aforesaid translations with the originals.

All the documents and relevant translations, produced in support of a right of priority, shall be subject to a revenue stamp in accordance with the provisions in force.

(Claim)

13. The claim of a right of priority shall refer to the patent application deemed to be the first under existing international conventions.

14. [repealed]

(Separate Applications)

15. If separate applications concerning different parts of the same invention have been filed on various dates, the right of priority may be claimed in a single application, provided that there is unity of invention.

Where a single application contains claims for several filings and there is no unity of invention as provided for in the preceding paragraph, the provisions of Section 29 of Royal Decree No. 1127 of June 29, 1939, shall apply to the separate new applications.

16. [repealed]

17. [repealed]

18. [repealed]

19. [repealed]

(Refusal of Priority Claim)

20. If, in his patent application, the applicant does not claim priority for an earlier filing of a patent application abroad, he may do so within two months of the date of filing the same application in Italy.

In any case, the said claim must be made within twelve months as provided for in Article 4 of the Paris Convention.

The patent shall be granted without the mention of priority if the documents specified in the first paragraph of Section 11, above, have not been submitted in the prescribed form within six months from the filing of the application.

If the priority of a filing made under the terms of existing international conventions has been refused, the patent shall mention such refusal.

Chapter III: Filing of Applications

21. [repealed]

22. [repealed]

23. [repealed]

24. [repealed]

Title II Grant of Patents

Chapter I: Examination and Observations

(Withdrawal of the Application)

25. The applicant may withdraw his application at any time provided that his request reaches the Central Patent Office in sufficient time during the examination procedure, and in any case before the Office has decided whether or not to grant the patent.

(Corrections)

26. The applicant shall have the right to correct, complete, even by adding new examples, or to abbreviate the description, claims or drawings originally filed with an annotation to the description and corrections of the drawings, signed by the applicant or his agent, provided that this is done in sufficient time during the examination procedure and, in any case, before the Office, or the Board of Appeals, if an appeal has been made, has decided whether or not to grant the patent.

The Office shall keep the documentation relating to the original application, communicate the date of receipt of the amendments and shall take all other necessary precautions.

(Completion of the Description)

27. Upon request by the Central Patent Office, the applicant shall complete the documentation by submitting relevant drawings or other new drawings where such are necessary for the understanding of the description of the invention.

28. [repealed]

29. [repealed]

30. [repealed]

Chapter II: Patent Register and Patents

31. [repealed]

32. [repealed]

(Documents Joined to the Patent)

33. One copy of the description and drawings of the invention shall be joined to the certificate of grant of a patent.

(Publication Fees)

34. For the purpose of the payment of the fee due for the publication of descriptions contained in Table A annexed to Royal Decree No. 1127 of June 29, 1939,¹ the written pages must conform to the conditions laid down in the Law on Revenue Stamps.

For the aforementioned purpose, the drawings must be on pages measuring 21 cm X 33 cm.

(Sale of Publications)

35. The publications containing the description and drawings of each patent, printed in accordance with Section 38 of Royal Decree No. 1127 of June 29, 1939, shall be sold by the Ministry of Industry, Commerce and Handicrafts.

The sales price shall be fixed in a decree published by the Minister of Industry, Commerce and Handicrafts in conjunction with the Minister of Finance.

(Dispatch of Free Copies)

36. Printed publications of patents shall be sent free of charge to provincial Offices of Industry, Commerce and Handicrafts, or only to those provincial Offices to which they would be particularly useful, as well as to the bodies specified in the list drawn up by the Ministry of Industry, Commerce and Handicrafts.

They shall also be sent in exchange to patent offices of other States.

Title III Fees, Refunds and Exemptions

(Payment)

37. The prescribed fees, with the exception of revenue stamps, shall be paid by postal money order on the special form for governmental fees and grants (Form 1/H) and shall be made out to the Procurator of the Register.

Postal money orders shall be made out in the name of the Procurator of the Register of Rome and, unless their deposit is prescribed, they shall be sent by registered post to the Central Patent Office within five days of their issue.

¹ This Table was not reproduced in Industrial Property Laws and Treaties (Editor's note).

(Payment by Postal Money Order)

38. Payment may be made by ordinary postal money order, subject to the conditions laid down in the third paragraph of Section 40 hereunder, or by telegraphic money order made out to the Ministry of Industry, Commerce and Handicrafts, Central Patent Office. The sender shall ensure that ordinary postal orders are sent to the aforesaid Office by registered post. The Ministry shall endorse telegraphic or ordinary postal orders in favor of the Procurator of the Register of Rome.

(Indication of Reason for Payment)

39. The postal money order, whether Form 1/H or ordinary, shall clearly indicate the reason for payment. If it covers payment of an annual fee, it shall indicate the number of the patent, the name of the proprietor, the title of the invention, if necessary in abbreviated form, and the annual fee for which payment is being made. It shall also bear the signature and domicile of the sender.

If payment is made by telegraphic money order, the aforementioned indications shall appear on the telegram.

(Date of Payment)

40. Where the provisions of Sections 37 and 39, above, have been respected, payment made by postal money order on Form 1/H shall take effect from the date on which the order was issued.

Where the provisions of Section 39, above, have been respected, the same provision shall also apply to payments made by telegraphic money order.

However, payments made by ordinary postal order, where they respect the provisions of Sections 38 and 39, above, shall take effect from the date on which the postal order is received by the Central Patent Office.

(Delay in Payment)

41. Requests for the final or delayed payment of annual fees that have been incompletely or incorrectly paid due to an obvious mistake or other excusable reasons may be deposited with the Offices mentioned in Section 2,² above, or sent directly by registered post to the Central Patent Office.

Such requests, which shall take effect from the date of deposit or registered dispatch, shall be accompanied by a money order on Form 1/H covering the amount of the fee and surtax prescribed.

(Refunds)

42. In the cases provided for, refunding of fees shall be authorized by the Ministry of Industry, Commerce and Handicrafts.

Such authorization shall be granted *ex officio* when the fees to be refunded concern a patent application irrevocably rejected or an appeal granted; in other cases, refunds shall be effected upon request to the Ministry of Industry, Commerce and Handicrafts, written on the appropriate stamped paper, by the person so entitled.

Refunds shall be noted in the register of patents and, if they relate to withdrawn or rejected applications, they shall be noted in the register of applications.

² Repealed by Section 14(b) of Decree of the President of the Republic No. 540 of June 30, 1972; the Offices referred to in this provision are mentioned in Section 1 of Decree No. 540 of June 30, 1972 (*Editor's note*).

(Offer of Licenses)

43. If a license is offered to the public according to the provisions of Section 50 of Royal Decree No. 1127 of June 29, 1939, after the patent application has been filed but before the patent has been granted, the reduction shall only apply to payment of the annual fees due after the first three years; if the offer is made in the application, the reduction shall also apply to the fees due for the first three years; in other cases, the reduction shall apply to the annual fees due after the offer has been made.

(Exemptions)

44. The applicant for a patent for an industrial invention who wishes to benefit from exemption from publication fees and the interruption of payment of annual fees under Section 51 of Royal Decree No. 1127 of June 29, 1939, shall attach to his application the documents proving that he does not pay income tax of more than Lire 20,000 annually neither directly nor through inclusion in the taxpayers' list.

Title IV Inventions of Public Utility

Chapter I: Obligation of Secrecy

45. [repealed]

46. [repealed]

47. [repealed]

(Lifting of the Obligation of Secrecy)

48. If the Ministry concerned, after having made a request for postponement,³ does not intend to proceed with expropriation, it shall so inform the Central Patent Office. The Office shall transmit the information received to the interested party. Following such communication, the obligation of secrecy shall be lifted and the ordinary procedure for the grant of the patent shall ensue.

49. [repealed]

50. [repealed]

51. [repealed]

Chapter II: Expropriation

(Communication)

52. If the Ministry concerned intends to implement a decree in respect of expropriation or use of the invention under Section 61 of Royal Decree No. 1127 of June 29, 1939, communication to that effect shall be given to the patent applicant in a registered letter from the Ministry. The Central Patent Office shall likewise be informed.

³ "Postponement" refers to the postponement of the grant of the patent under Section 6 of the Decree of the President of the Republic No. 540 of June 30, 1972 (*note from the Italian authorities*).

(Notification of the Decree of Expropriation)

53. The Ministry concerned shall transmit a copy of the decree of expropriation or use of the invention to the Central Patent Office and shall communicate it to the interested parties in the prescribed form.

Thereafter, the rights expropriated shall be transferred to the administration concerned, which shall have the right to exploit the invention and shall be responsible for payment of the prescribed annual fees to maintain the patent in force.

Unless publication might cause prejudice, the Office shall publish the decree of expropriation and use of the invention and the decrees concerning any subsequent modifications or withdrawal in the Bulletin and shall note them in the register of patents or in the register of applications if the patent has not yet been granted.

(Duration of Expropriation)

54. Any expropriation decree limited to use of the invention, within the meaning of the second paragraph of Section 60 of Royal Decree No. 1127 of June 29, 1939, shall mention the duration of use, which in any case may be prolonged within the limits of the 20-year duration period of the patent.

(Expropriation Limited to Use)

55. If expropriation is limited to the use of the invention and publication would not cause prejudice, the grant of the patent and the publication of the invention shall follow the ordinary procedure.

(Compensation for Expropriation)

56. If there is disagreement on the amount of the compensation due for the expropriation of a patent in the interest of national defense, the person expropriated may request an arbitration procedure, provided for in Section 63 of Royal Decree No. 1127 of June 29, 1939, within 180 days from the notification of the expropriation decree, by means of an act to be notified by a legal officer to the expropriating administrative department.

If agreement on the designation of a sole arbitrator has not been reached within 30 days from the notification provided for in the preceding paragraph, the expropriated party shall communicate the name of its own arbitrator in the same manner. Within the following 30 days the administrative department shall appoint the arbitrator of its choice. If there is disagreement on the designation of the third arbitrator, within a period of 30 days following the latter appointment, the Minister of Industry, Commerce and Handicrafts shall, at the instance of the requesting party, name a third arbitrator.

(Arbitration Award)

57. The sole arbitrator or the board of arbitration shall decide upon the place of arbitration, where the parties shall elect domicile, and shall fix the provisions for the procedure and functioning of the arbitration in accordance with the Code of Civil Procedure. Any means of examination may be adopted by ordinance, even if there is disagreement between the parties, and may be enforced *ex officio*. In the case of judgment by a board, implementation of the means of examination may be entrusted to only one of its members, who shall fix the modalities.

The provisions of the Code of Civil Procedure concerning compromise shall apply to the arbitration procedure, in respect of that which is not covered by Section 63 *et seq.* of Royal Decree No. 1127 of June 29, 1939, nor by the present Regulations.

(Arbitration Costs)

58. The costs of arbitration, the honoraria due the arbitrators and the expenses and defense honoraria shall be specified in the award, which furthermore shall stipulate who shall pay and the apportionment of the relevant costs, in accordance with the Code of Civil Procedure.

The costs shall be borne by the person expropriated when the compensation is equivalent to or less than the amount originally proposed by the administrative department.

Title V Recording of Documents

(Contents of the Application)

59. An application for recording a document or decision under Section 66 of Royal Decree No. 1127 of June 29, 1939, shall be made out in two copies in accordance with the provisions concerning revenue stamps.

It shall contain:

- (1) the surname, given name and domicile of the applicant and of his agent, if any;
- (2) the surname and given name of the proprietor of the patent, as well as the indication of the number and date of the patent;
- (3) [repealed]
- (4) the indication of the object of the document to be recorded.

(Accompanying Documents)

60. The request for recording provided for in the preceding Section shall be accompanied by:

- (1) the legal document to be recorded, in conformity with the law governing registration;
- (2) the postal money order proving payment of the prescribed fee in the form provided for in Section 37, above.

If the document referred to in subparagraph (1), above, is in a language other than Italian, it shall be accompanied by a translation into Italian certified and authenticated by the Italian authorities.

If there is an agent, it should also be accompanied by the procuration or power of attorney in due form.

(Annotation)

61. For each recording, the register of patents shall indicate:

- (1) the date of submission of the application, which shall be that of the recording;
- (2) the surname, given name and domicile of the successor in title, or the trade name and registered office in the case of a company or legal entity, and, where applicable, the surname, given name and domicile of the agent;
- (3) the nature of the rights to which the recording refers.

62. Documents and decisions provided for in Section 66 of Royal Decree No. 1127 of June 29, 1939, and pertaining to patents applied for but not yet granted shall be recorded in the register of applications; however, they shall be noted in the register of patents immediately after the grant of the patent.

(Return of the Annotated Copy)

63. The Central Patent Office shall return to the applicant a copy of the application with a declaration of the recording made.

Documents and decisions submitted for recording shall be kept by the Central Patent Office.

(Decisions on Nullity and Forfeiture)

64. Decisions sent to the Central Patent Office declaring the nullity or forfeiture of a patent in conformity with the last paragraph of Section 80 of Royal Decree No. 1127 of June 29, 1939, shall be recorded in the register of patents and the recording shall be published in the Bulletin.

(Cancellation)

65. Requests for the cancellation of a recording shall be made in the same form and following the same procedure as those for requests for recording.

Cancellation shall be effected by annotations in the margin.

(Recording of Rights of Security)

66. If it is necessary to convert the amount due for the recording of rights of security into Italian currency, the conversion shall be made on the basis of the exchange rate prevailing on the day the security was granted.

Title VI Implementation Procedure

(Bill of Attachment; Contents)

67. The attachment of a patent for an industrial invention shall be notified to the debtor by means of a legal officer.

The bill of attachment shall contain:

- (1) a declaration of attachment of the patent containing references enabling it to be identified and corresponding to those in the register of patents;
- (2) the date of the act and of its dispatch for enforcement;
- (3) the amount for which it is being enforced;
- (4) the surnames, given names, domiciles or places of residence of the creditor and debtor;
- (5) the surname and given name of the legal officer.

From the date of notification, the debtor shall assume the obligations subsequent upon judicial seizure of the patent including those in respect of any future profits.

Profits accruing after the date of notification and derived from the use of the patent shall accrue to the profits deriving from the sale, the purpose of subsequent apportionment.

(Notification of the Bill of Attachment)

68. Notification of the bill of attachment shall be governed by the provisions of the Code of Civil Procedure concerning the serving of writs.

If the person on whom the bill of attachment shall be served does not have a domicile or place of residence, nor has elected domicile, in Italy, the bill shall be served at the Central Patent Office.

In the latter case, a copy of the bill shall be put on the Office's notice board and shall be published in the Bulletin.

(Recording the Bill of Attachment)

69. The bill of attachment shall be recorded within eight days of its notification, failing which it shall become null and void.

When the bill of attachment of the patent has been recorded and as long as it remains in effect, attachments subsequently recorded shall entail opposition concerning the sales price when they have been notified to the previous creditor.

(Sale of Attached Patents)

70. The sale and adjudication of attached patents shall be governed by the corresponding provisions of the Code of Civil Procedure, where applicable, subject to the specific provisions of the present Regulations.

(Time Limits and Publicity)

71. The patent may not be sold until at least 30 days after its attachment.

Twenty days shall elapse between the date of the decree fixing the date of the sale and the sale itself.

The magistrate (*Pretore*) may use the special forms he deems suitable in each case for the sale and adjudication of patents and shall publish the notice of the sale, if necessary in derogation of the provisions of the Code of Civil Procedure.

The magistrate may decide that the announcement should be affixed to the notice board of the provincial Office of Industry, Commerce and Handicrafts and on that of the Central Patent Office in addition to being published in the Bulletin of Patents.

72. The official report of adjudication shall contain basic information concerning the patent in accordance with the references in the register of patents.

(Current and Previous Creditors)

73. In cases of enforced sales of patents for industrial inventions, the current creditor shall, at least ten days before the sale, inform the creditors having rights of security recorded under Section 66 of Royal Decree No. 1127 of June 29, 1939, of the bill of attachment and the decree fixing the date of the sale.

The latter creditors shall deposit their requests for participation with the clerk of the competent judicial authority, in accordance with Section 75 of Royal Decree No. 1127 of June 29, 1939, within 15 days from the sale, together with any evidentiary documents.

Any interested party may examine the said request and documents.

(Order of Credits and Apportionment of Profits)

74. After the period of 15 days provided for in the second paragraph of the preceding Section, the magistrate, upon request by one of the parties, shall fix the date of the hearing at which he shall put forward proposals concerning the order and apportionment of the proceeds of the sale and of any other profits.

Having due regard to the provisions of the preceding Section, if there is disagreement among the parties concerning the apportionment of the proceeds and profits, the magistrate shall, at the hearing, decide upon the order among the creditors and shall apportion the proceeds and profits according to the provisions on execution of movable property laid down in the Code of Civil Procedure; if he is not competent in respect of the value, he shall remand the parties to a hearing before a Civil Court.

Incidental or qualified credits in arrears shall be due in accordance with the provisions of the Civil Code.

(Cancellation of the Recording of Rights of Security)

75. A person who has been awarded the patent has the right to obtain cancellation of the recording of the rights of security in the patent by depositing a copy of the award with the Central Patent Office, together with a certificate issued by the clerk proving payment of the amount fixed, taking into account the provisions concerning cancellation of recordings set out in Section 65, above.

(Seizure)

76. Patents for industrial inventions may be seized, even if they are in the process of being granted.

The provisions concerning forced execution established in the preceding Sections shall apply to proceedings for seizure, as well as the provisions on seizure provided for in the Code of Civil Procedure inasmuch as they are not contrary to those of the above-mentioned Sections.

(Judicial Authority)

77. Disputes concerning the forced execution and seizure of patents shall be brought before the competent judicial authority of the State in accordance with Section 75 of Royal Decree No. 1127 of June 29, 1939.

Title VII Appeals and Relevant Procedure

(Composition of the Board)

78. The Board of Appeals provided for in Section 71 of Royal Decree No. 1127 of June 29, 1939, shall be assisted by a secretariat whose members shall either be nominated in the decree establishing the Board or in a separate decree.

The members of the said secretariat shall be chosen from among the non-executive administrative officials of the Central Patent Office.

(Filing of Appeals)

79. Appeals provided for in Royal Decree No. 1127 of June 29, 1939, shall be submitted to the offices listed in Section 2,⁴ above, or sent directly by registered post to the secretariat of the Board of Appeals at the Central Patent Office.

Three copies on unstamped paper shall be attached to the original copy of the appeal; however, the secretariat of the Board shall have the right to request additional copies from the interested parties.

(Rapporteurs)

80. For each appeal, the chairman of the Board shall appoint a rapporteur and, in the case of technical questions, he may also appoint one or more assistant rapporteurs chosen from among the associated technical experts.

⁴ See footnote 2, above (*Editor's note*).

(Procedure)

81. In the cases provided for in the second paragraph of Section 35 and in Section 39 of Royal Decree No. 1127 of June 29, 1939, copies shall be sent by registered post to the other parties through the secretariat of the Board.

The chairman or the rapporteur appointed by him shall fix time limits, in no case of more than 90 days, for the submission of statements and replies by other parties and for the filing of relevant documents.

In submitting and transmitting such documentation, the provisions of the present and preceding Sections shall be respected.

(Means of Examination)

82. Following the expiration of the time limit specified in the preceding Section, the Board may decide upon the means of examination it deems appropriate and may fix its modalities.

During the period of examination, the chairman or the rapporteur appointed by him may call upon the different parties to obtain any clarification.

83. Upon completion of the examination, or if none is required, the chairman shall set a date for the discussion of the appeal before the Board.

(Validity of Sessions)

84. The sessions of the Board shall only be valid if an absolute majority of members having a deliberative vote is present.

The Director of the Central Patent Office or an official of that Office appointed by the Director shall take part in the session and shall provide the Board with all necessary documents and information.

(Presence of the Appellant)

85. An appellant making a request in sufficient time and at least three days before the discussion of his appeal shall have the right to explain orally the reasons for the appeal, provided that he is present at the date and time set for the discussion of his appeal, which shall be communicated to him in due time by the secretariat of the Board.

The appellant may be assisted by a lawyer or a technical expert.

(The Hearing)

86. Following the opening of the session, the rapporteur shall give his report on the appeal.

The parties or their representatives shall then furnish their explanations and, should the members of the Board so request, the Director of the Office or an official appointed by him shall provide the documentation and information requested.

(Explanatory Reports)

87. Any interested party may submit an explanatory report to the Board before the closing of the discussion on the appeal.

New facts liable to influence the final decision that emerge during the discussion shall be communicated to the parties.

(Adjournment of the Decision)

88. The Board shall have the right to decide upon the means of examination it deems appropriate.

In addition, the Board shall have the right to order adjournment of the decision or examination to a later session.

(Notification and Publication of the Decision)

89. The Board shall make its decision once the appellant has withdrawn.

The rapporteur, or another member of the Board, shall be responsible for drawing up the decision.

The secretariat of the Board shall notify the decision to the interested party or, where applicable, to his agent. The substantive part of the decision shall be published in the Bulletin of Patents, the Board having the right to order integral publication in the said Bulletin if the decision relates to questions of principle and the publication would not cause prejudice.

The appellant may obtain copies of the decision at his own expense by paying the revenue stamp and secretariat costs.

(Consultative Activity)

90. The Minister of Industry, Commerce and Handicrafts may submit any question of principle concerning patents for inventions or any other related question to the Board in order to obtain its opinion.

The chairman of the Board may call upon other technical experts in addition to those mentioned in Section 71 of Royal Decree No. 1127 of June 29, 1939.

Title VIII

Consultation and Publication

(Consultation of the Register of Patents)

91. As provided for in Section 37⁵ of Royal Decree No. 1127 of June 29, 1939, the Director of the Central Patent Office may authorize the public to consult the register of patents subject to a request submitted on the prescribed stamped paper and payment of inspection fees to the Office.

The public may also consult, in the same manner, the register of applications, subject to the submission of the above-mentioned request and payment of the prescribed fees.

(Applications Available to the Public)

92. Following the expiration of the time limit set in Section 4 of Royal Decree No. 1127 of June 29, 1939, the Office shall make available to the public for consultation free of charge one copy of the descriptions and drawings attached to the application or to the patent.

The public may also inspect, in the same manner, the descriptions and drawings relating to patents attached to applications claiming priority of earlier filings.

(Making of Copies)

93. The Director of the Office may authorize copies of the applications, descriptions and drawings to be made, as well as of other documents available to the public, to any person making a request on the prescribed stamped paper, subject to any precautions he may deem necessary to avoid damage or deterioration of the copy available to the public.

⁵ The first paragraph of Section 37 of Royal Decree No. 1127 of June 29, 1939, has been repealed by Section 14 (a) of Decree of the President of the Republic No. 540 of June 30, 1972 (*Editor's note*).

Copies for which certification of conformity with the copy available to the public is requested shall bear the prescribed revenue stamp.

The Ministry of Industry, Commerce and Handicrafts may, however, establish that copying or reproducing, including photographic reproduction, of the said deeds and documents shall be the exclusive domain of the Central Patent Office and shall be subject to payment of secretariat costs.

94. Copies and extracts from the register of patents and certificates relating to extracts from other registers, as well as duplicates of the original copies of patents shall be made exclusively by the Central Patent Office upon request made on the prescribed stamped paper indicating the number of the patent in respect of which a copy or abstract has been requested and subject to the payment to the Office of the secretariat costs in addition to the fee laid down in Table A annexed to Royal Decree No. 1127 of June 29, 1939.

The provisions of the law on revenue stamps shall be applicable to such copies and abstracts as well as to certificates and duplicates of patents.

(Certification of Authenticity)

95. Certification of authenticity of the copies provided for in Section 96 of Royal Decree No. 1127 of June 29, 1939, shall be subject, in addition to the fees laid down in Table A annexed to the aforesaid Royal Decree, to the payment of secretariat costs to be paid to the Office for each sheet of stamped paper and for each drawing.

(Amount of Fees and Taxes)

96. The extent of the fees and taxes specified in the present Regulations shall be laid down in a decree published by the Minister of Industry, Commerce and Handicrafts in conjunction with the Minister of Finance.

The fees for copies and photographic reproduction carried out by the Central Patent Office shall be specified in the same manner.

(Bulletin of Patents)

97. The patents granted, classified according to the type of invention and the recordings made shall be published at least once a month in the Bulletin of Patents for Inventions, Models, and Trademarks (*Bollettino dei brevetti per invenzioni, modelli e marchi*)

The communication shall include the basic facts contained in the patents and in the applications for recording, respectively.

In addition, the Bulletin may also contain either the analytical indexes of the inventions protected by patents, or the alphabetical indexes of the proprietors of granted patents and the summaries of the descriptions may also be published therein.

The aforesaid Bulletin shall be subject to the provisions on free distribution contained in Section 36, above.

Title IX Provisions for Italian Overseas Territories

98. to 102. [omitted]

Title X Miscellaneous Provisions

(Models of Deeds)

103. The Minister of Industry, Commerce and Handicrafts shall have the right to establish by decree the models in conformity with which applications and other documents concerning patents for industrial inventions shall be drawn up.

If an application or other document does not conform to the models provided for in the previous paragraph, the interested parties shall be obliged to complete or clarify the application or document accordingly.

104. [repealed]

105. [omitted]

(Functioning of the Central Patent Office)⁶

106. Until otherwise specified the provisions of Royal Decree No. 2730 of October 23, 1884, and the Ministerial Decree of May 8, 1914, concerning the Central Patent Office's relations with the public shall prevail where they do not contradict the provisions of Royal Decree No. 1127 of June 29, 1939, or the present Regulations.

In the absence of the Ministerial Decree provided for in Section 96, above, the provisions at present in force in respect of secretariat costs and fees for copying and photographic reproduction shall prevail.

107. [omitted]

⁶ See also the Ministerial Decree of February 22, 1973, *Industrial Property Laws and Treaties*, ITALY–Text 1-005 (*Editor's note*).