

ITALY

Industrial Model Regulations

REGULATIONS CONCERNING PATENTS FOR INDUSTRIAL MODELS

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Title I Patent Granting Procedure

Chapter I Applications in General

1.

The application for an industrial model patent, referred to in Royal Decree No. 1411 of August 25, 1940, which contains the legislative provisions on patents for industrial models, may be filed by Italian nationals or by foreigners, whether natural persons, companies, associations or legal persons, or by a number of natural persons collectively.

Where the application is filed by a company, an association or a legal person, the name and registered offices of the company or of the legal person must be given.

2. [Repealed]

3.

The application may be filed by the creator of the model or by his successor in title or again by his representative.

The application must contain:

(1) the surname, forename, nationality and domicile of the applicant, together with those of his representative, where applicable.

Any change in the domicile stated in the application must be notified to the Central Patent Office.

(2) Reference to the model, in the form of a title, stating the industrial products whose manufacture is to be covered by the exclusive right, the characteristics of the products claimed and, where necessary for the understanding of the model, the aims pursued by those characteristics. Protection of special denominations or signs intended to distinguish the products can only be obtained through a separate application, filed in accordance with the Trademark Law, and the model may not contain any denomination or sign of that kind.

[Repealed]

4.

The following shall accompany the application:

(1) a graphic reproduction of the model or industrial products whose manufacture is to be covered by the exclusive right, or a sample of the products, in accordance with Sections 5 et seq.;

(2) a description of the model, where necessary to understand it;

- (3) the prescribed postal order l/H proving payment of the relevant fees;
- (4) the prescribed tax stamp for affixing to the patent.

Where a representative has been appointed, the powers of attorney or letter of appointment must also accompany the application.

Where priority is claimed, the documents referred to in Sections 15 et seq. must also accompany the application.

5.

That part of the documents referred to in Section 4(1) which consists of the graphic reproduction of the model or the products or the sample of the products must give a full and clear idea of the model. All claimed characteristics must emerge as clearly as possible from the above-mentioned documents. The documents must, in any event, enable a person skilled in the art to implement the model with the aid of the information given in the title and in the description, where applicable.

6.

The graphic reproduction of the model or the products referred to in Section 4, first paragraph, item (1), must contain specific data on the dimensions of the products and on the relationship between their parts where such dimensions and such relationship exert considerable influence on the functional utility or the aesthetic effect of the products. Where a color or colors constitute a characteristic of the model, the reproduction should be carried out in the color or colors claimed.

7.

The graphic reproduction of the model or the products may be carried out by hand or obtained by photography, printing, phototype, lithography or similar process.

8.

For models intended for industrial products with only two dimensions, a plate may be submitted, in place of the graphic reproduction referred to in the preceding Sections, on which is fixed a sample of the product whose manufacture is to be covered by the exclusive right. This provision shall apply, in particular, to models relating, for example, to material, lace or wallpaper.

9.

As in the case of the preceding Section, for models intended for industrial products having only two dimensions, where, in addition, the patent is

requested for a multiple deposit within the meaning of Section 6 of Royal Decree No. 1411 of August 25, 1940, the various models must be individually represented by either the same number of graphic reproductions in accordance with Section 7 or the same number of plates on which are fixed samples in accordance with Section 8.

10.

The graphic reproductions of the model or the products or the samples of the products fixed on more than one plate must be numbered consecutively and the numbers of the reproductions or samples, together with the numbers and letters identifying the various parts, shall be included in the description if a description must be or, in any event, is furnished. The drawings must be executed in lines drawn in black, indelible ink on card, paper or canvas.

The plates, bearing the required and duly cancelled tax stamps, shall measure, within a margin of at least two centimeters, 23 x 33 cm or 33 x 42 cm. Two originals of the plates must be annexed to the application and the patent applicant shall certify that they are identical. The two originals must be signed by the applicant or his representative.

The Central Patent Office may nevertheless accept graphic reproductions or samples of dimensions less than the internal framework laid down in the preceding paragraph, whereby the other provisions shall remain applicable.

11.

Where a description must be or, in any event, is furnished, it must be terminated by a summary constituted by one or more claims setting out in a specific manner the subject matter of the patent in accordance with the contents of the title.

The description must be written or printed, in an indelible and clear manner, on the prescribed stamped paper or on paper of the same format bearing the duly cancelled tax stamps. Two originals of the description, which the applicant shall certify to be identical, must accompany the application. The two originals must be signed by the applicant or his representative.

12.

Where the applicant submits only one copy of the plates containing the graphic reproduction of the model or the products or the sample of the products or only one copy of the description, he may submit the other copy within a period of two months as from filing of the application.

13.

The letter of appointment referred to in Section 94 of Royal Decree No. 1127 of June 29, 1939, must be signed by the applicant and countersigned by the representative.

The power of attorney shall be deemed a private contract for the purposes of Section 485 of the Penal Code.

The power of attorney must be submitted within a period of two months as from filing of the application.

14.

A representative who has submitted a general power of attorney shall have the faculty of referring to that power of attorney in each subsequent patent application he files on behalf of the same client.

Chapter II Priority Documents

15.

Where priority of an application is claimed in accordance with the international conventions, the application must be accompanied by a document containing the name of the applicant, the title of the model covered by the deposit, the graphic reproduction of the model and the description, where applicable, together with the date on which filing has been made.

If deposit was made abroad by a third party, the applicant must also prove that he is the successor in title of the original applicant.

16.

The documents referred to in the preceding Section must be accompanied by a translation in the Italian language, containing any quantitative data not only in its original form, but also according to the metric system. The Central Patent Office shall be entitled to require that the translation be checked and certified by the Italian authorities.

Any certificates, including translations, issued by the directors or heads of the offices of the member States of the International Union for the Protection of Industrial Property shall be exempt from legalization and may be replaced by official publications bearing the seal or the certification of the office from which they originate.

The applicant shall be responsible for exact compliance of the above-mentioned translations with the originals.

All documents and their translations, submitted in support of a claim for priority, shall be subject to tax stamps in accordance with the

relevant provisions.

17.

A claim to priority rights must refer to the application considered as a first application under the international conventions.

18.

The priority of more than one foreign deposit may be claimed in a single application for multiple deposit in accordance with Section 6 or Royal Decree No. 1411 of August 25, 1940.

18bis.

In the case of industrial designs, disclosure may only be invoked within the meaning of the second paragraph of Section 15 of Royal Decree No. 1127 of June 29, 1939, as amended, even if it has taken place in official or officially recognized exhibitions other than those referred to by the Paris Convention of November 22, 1928, on condition that they have been held on the territory of the State or on that of a foreign State which affords reciprocal treatment.

19-22. [Repealed]

23.

The claim to a priority right must be mentioned in the patent application. The patent is issued, in all cases, without mention of priority if the documents referred to in the first paragraph of Section 15 have not been furnished, in the prescribed form, within six months as from the filing of the application.

If the priority of a deposit made in accordance with the international conventions is refused, the refusal shall also be noted on the patent.

Chapter III Filing of Applications

24-27. [Repealed]

Title II Granting of Patents

Chapter I Examination and Observations

28.

The applicant may withdraw his application at any time, on condition that his request reaches the Central Patent Office in good time, during the examination procedure, and, in any event, before measures have been taken by the Office with regard to granting of the patent.

29.

The applicant shall have the faculty, in good time, during the examination procedure, but before the Office or the Board of Appeals, if an appeal has been lodged, has taken measures with regard to the granting of the patent, to correct, from a formal point of view, the plates bearing the graphic reproduction of the model or the products and the description, as originally filed, by making corrections to the plates and additions to the description, signed by the applicant or his representative. The request for correction to those documents must be reasoned. The Office shall take, on a case-by-case basis, the necessary precautionary measures. The provisions of Section 31, below, shall apply, in all cases, to the restitution of the corrected documents.

30.

At the invitation of the Central Patent Office, the applicant must supplement the documentation by submitting an appropriate description or a different description if such is necessary to understand the model. The provision in the preceding paragraph shall also apply in the event of irregularity in the documents referred to in item (1) of the first paragraph of Section 4 and in the event of irregularity in the title of the model, particularly as regard the claimed characteristics.

[Repealed]

31-32. [Repealed]

Chapter II Patent Register and Patents

33.

The Register of Industrial Model Patents shall correspond to the Register of Patents for Invention referred to in Section 37 of Royal Decree No.

1127 of June 29, 1939, and shall contain, for each application that has been accepted, the following particulars:

- (1) the serial number of the patent;
- (2) the office, day and time of filing and the serial number of the application;
- (3) the surname, forename, residence or domicile of the applicant or the name and registered offices in the case of a company, association or legal person;
- (4) the title of the model;
- (5) the main information on the earlier deposit abroad if priority is claimed, together with the date, the name of the depositor and the number of the patent where it has been granted;
- (6) the main date involved where, on the other hand, priority is claimed with a view to temporary protection at an exhibition or by reason of publication in the records of scientific academies or of scientific societies, institutes or bodies;
- (7) the date of granting of the patent.

The fact that fees have been paid, together with the acts concerning industrial model patents which correspond to acts concerning patents for invention listed in Section 66 of Royal Decree No. 1127 of June 29, 1939, shall also be entered in the Register for each patent.

34.

The particulars referred to in the first paragraph of Section 33, above, shall be entered on the patent.

One of the copies of the plates containing the graphic reproduction of the model or the products or the sample of the products, together with copies of any description, shall be annexed to the patent.

Title III Fees, Refunds and Exemptions

35.

Payment of the prescribed fees, with the exception of stamp duty, shall be made by postal order drawn up on a special form (1/H) for government fees and concessions, and addressed to the keeper of the Register.

[Repealed]

36-38. [Repealed]

39.

Requests to make supplementary payment or late settlement of the fee for the second two-year period, which has been paid in part only or incorrectly paid following an obvious error or other excusable reasons, may be submitted to the offices referred to in the above Section 2 or sent directly by registered mail to the Central Patent Office.

The requests, which take effect as from the record of filing or of the registered letter, must be accompanied by an order drawn up on form 1/H for the amount of the fee or surcharge that is due.

40.

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

Authorization shall be ex officio where the fees to be refunded concern a patent application which has been definitively refused or an appeal which has been accepted; in all other cases, refund shall be made at the request of the person entitled, drawn up on the prescribed stamped paper and addressed to the Ministry of Industry, Commerce and Handicrafts. Refunds shall be entered in the Patent Register and, where they concern withdrawn or refused applications, in the Register of Applications.

41.

Where a license has been offered to the public, in accordance with Section 50 of Royal Decree No. 1127 of June 29, 1939, following the filing of the patent application but prior to granting of the patent, the reduction shall concern payment of the instalment of the granting fee due for the period following the first five-year period; if the offer is made in the application, the reduction shall also concern the tax payable for the first five-year period; in other cases, the reduction shall concern the instalment of the fee due after the offer has been made. In no event shall

fees already paid be refunded.

42.

The applicant for an industrial model patent who wishes to enjoy suspension of payment of the instalment of the fee for the first two-year period in accordance with Section 51 of Royal Decree No. 1127 of June 29, 1939, and item (c) of the second paragraph of Section 10 of Royal Decree No. 1411 of August 25, 1940, must attach to his application the documents showing that he is not subject to payment of more than Lire 20,000 a year direct taxation either by entry on the rolls or in the form of deduction at source.

The Ministry of Industry, Commerce and Handicrafts may additionally, in all cases, require further information as it deems appropriate to ensure that a state of indigence effectively exists.

Title IV Models of Public Interest

Chapter I Requirement of Secrecy

43-45. [Repealed]

46.

Where the Ministry concerned, after submission of a request for adjournment, does not intend to proceed with expropriation, it shall communicate such fact to the Central Patent Office. The Office shall notify the communication it has received to the person concerned. Following such communication, the requirement of secrecy shall end and the normal patent granting procedure shall be resumed.

47. [Repealed]

48.

In the case of exhibitions to be held on the territory of the State, the Ministry of Defense may have carried out, by its officials and officers, a detailed examination of the models or products concerned which have been submitted for the purposes of the exhibition and which may be held to be in the interests of national defense and it may further require information and request explanations with respect to such models and products.

The organizers of exhibitions must furnish to the above-mentioned officials and officers full lists of models that are to be exhibited and the products involved which are not protected by patents. The officials and officers may prohibit the organizer from exhibiting those they consider to be in the interests of national defense.

49.

The prohibition contained in the final paragraph of Section 10 of Royal Decree No. 1127 of June 29, 1939, shall be directly communicated to the executive committee of the exhibition by the Ministry imposing the prohibition.

The executive committee must keep the models or products concerned by the prohibition under the seal of secrecy as regards their nature and shall notify the prohibition to the persons concerned by registered letter, warning them of the requirement of secrecy.

Where the prohibition referred to in the preceding paragraph is notified after the models or products have been exhibited, they must be withdrawn,

subject to the right of the Ministry of Defense to expropriate them, but without imposing secrecy.

[Repealed]

Chapter II Expropriation

50.

Where the Ministry concerned intends to issue an expropriation order in respect of the model or of the right to use the model laid down in Section 61 of Royal Decree No. 1127 of June 29, 1939, it shall communicate such decision to the patent applicants by registered letter and also to the Central Patent Office.

51.

The expropriating Ministry shall transmit a copy of the expropriation order for the model or the right to use the model to the Central Patent Office and shall notify it to the persons concerned in the statutory form. Once notification has been made, the expropriated rights shall pass to the expropriating administration which will thus dispose, without other formality, of the faculty to utilize the model, and the obligation, where appropriate, to pay the fee instalment for the second two-year period required to maintain the patent.

Except where publication of the expropriation and utilization orders, and any subsequent amendments or revocations thereof, could cause prejudice, the Office shall publish a relevant announcement in the Bulletin and shall enter a note in the Patent Register or, where the patent has not yet been granted, in the Register of Applications.

52.

The expropriation order for the right to use the model in accordance with the second paragraph of Section 60 of Royal Decree No. 1127 of June 29, 1939, must contain a statement of the duration of use, which may in all cases be extended within the limit of the four years of validity of the patent.

53.

Where publication is not prejudicial and expropriation is limited to the right to use the model, the patent shall be granted and the model shall be published under the ordinary procedure.

54.

In the event of disagreement as to fixation of the indemnity due for expropriation of the patent for the model in the interest of national military defense, the expropriated person may request, within 180 days following notification of the expropriation order, arbitration as provided for in Section 63 of Royal Decree No. 1127 of June 29, 1939, by an act notified to the expropriation administration through a bailiff. Where no agreement is reached, within a period of 30 days following notification under the preceding paragraph, as regards appointment of the single arbitrator, the applicant shall notify, in the same form, the name of his own arbitrator. Within the 30 days that follow, the administration shall likewise notify the name of the arbitrator of its choice. In the event of failure to agree on the appointment of the third arbitrator within the 30 days following the latter notification, the Minister for Industry, Commerce and Handicrafts shall make such appointment at the request of the earliest petitioner.

55.

The single arbitrator or the arbitration board shall decide on the place of arbitration at which the parties must have an address for service and shall lay down the rules of procedure and operation of arbitration in compliance with the Code of Civil Procedure. The means of examination shall be adopted by ordinance, even where the parties disagree, and they may be ordered ex officio. In the case of an arbitration board, implementation of the means of examination may also be delegated to one of the members of the board, who shall lay down the terms. The provisions of the Code of Civil Procedure relating to compromises shall apply to the arbitration procedure where not otherwise provided for in Sections 63 et seq. of Royal Decree No. 1127 of June 29, 1939, or in this Regulation.

56.

The costs of arbitration, the fees due to the arbitrators and the cost and fees of the defense shall be determined in the decision, which shall also determine responsibility and sharing in accordance with the Code of Civil Procedure.

The costs shall be borne by the expropriated person in all cases where the compensation laid down by arbitration is equal to or less than the amount initially proposed by the administration.

Title V Recording of Acts

57.

The request for recording an act or a decision in respect of an industrial model patent, corresponding to an act or decision in respect of patents for inventions referred to in Section 66 of Royal Decree No. 1127 of June 29, 1939, shall be drawn up in duplicate and shall satisfy the conditions laid down by the provisions on stamp duty.

The request shall contain:

- (1) the surname, forename and domicile of the applicant and, where applicable, the representative;
- (2) the surname and forename of the owner of the patent and the number and date of the patent;
- (3) the date and nature of the title to be recorded and, in case of a public act, the name of the notary who has drawn up the act;
- (4) a statement of the subject matter of the act to be recorded.

[Repealed]

58.

The request for recording referred to in the preceding Section shall be accompanied by:

- (1) the legal title to be recorded, in accordance with the provisions of the Law on Registration;
- (2) the order confirming payment of the prescribed fee, in accordance with Section 35, above.

Where the title referred to in subparagraph (1) is drawn up in a language other than Italian, it shall be accompanied by a translation into the Italian language, certified and checked by the Italian authorities.

Where a representative has been appointed, the powers of attorney or the letter of appointment in due form shall be attached.

59.

Entries in the Patent Register shall contain:

- (1) the date of submission of the request, which is to be that of the recording;
- (2) the surname, forename and domicile of the successor in title or the name and registered offices in the case of a company or a legal person, together with the surname, forename and domicile of the representative, where applicable;
- (3) the nature of the rights to which the recording refers.

60.

The acts and decisions referred to in Section 66 of Royal Decree No. 1127 of June 29, 1939, concerning patents applied for but not yet granted shall be entered in the Register of Applications, whereby the recording shall be deemed to have been made in the Patent Register immediately following grant of the patent.

61.

The Central Patent Office shall return to the requester one copy of his request accompanied by a statement that the recording has been made. The acts and decisions submitted for recording shall be kept by the Office.

62.

Decisions concerning the nullity and forfeiture of patents addressed to the Central Patent Office in accordance with the last paragraph of Section 80 of Royal Decree No. 1127 of June 29, 1939, shall be recorded in the Patent Register and the recording shall be notified in the Bulletin.

63.

Requests for cancellation of recordings shall be submitted in the same form and subject to the same conditions as those for requests for recording.

Cancellation shall be effected by a note in the margin.

64.

Where it is necessary, for the recording of guarantee rights, to convert the amount of the credit into national currency, conversion shall be made on the basis of the exchange rate on the day on which the guarantee was afforded.

Title VI Implementing Procedure

65.

Seizure of an industrial model patent shall be effected by act notified to the debtor by a bailiff.

The act shall contain:

(1) the statement of seizure of the patent, following notice of the elements permitting its identification, as resulting from the Patent Register;

(2) the date of the act and its communication in enforceable form;

(3) the amount involved in the enforcement;

(4) the surname, forename and domicile or place of residence of the creditor and of the debtor;

(5) the surname and forename of the bailiff.

As from the date of notification, the debtor shall assume the commitments deriving from judicial seizure of the patent, including those in respect of any proceeds.

Proceeds maturing after the date of notification and deriving from use of the patent shall be added to the proceeds of sale for the purposes of subsequent sharing.

66.

Notification of the act of seizure shall be governed by the provisions of the Code of Civil Procedure in respect of the serving of summons. Where the person to whom the act of seizure must be notified has neither domicile nor residence within the country and has no address for service therein, the notification shall be addressed to the Central Patent Office. In such case, a copy of the act shall be posted on the notice board at the Office and published in the Bulletin.

67.

The act of seizure of the patent shall be recorded within a period of eight days as from notification; failing that, seizure shall be null and void.

Where the act of seizure of patent has been recorded and until the seizure itself takes effect, subsequently recorded seizures that have been notified to the preceding creditor shall imply attachment of the selling price.

68.

The sale and adjudication of seized patents shall be governed by the

corresponding provisions of the Code of Civil Procedure, where applicable, subject to the special provisions of this Regulation.

69.

A patent may only be sold after expiry of a minimum of 30 days after seizure. A period of 20 days must elapse between the date of the order fixing the day of sale and that of the sale itself.

The magistrate [pretore] shall establish the special forms he deems appropriate in each case, taking also measures to have a notification of the sale published, where necessary by derogation from the provisions of the Code of Civil Procedure.

Where necessary, the magistrate may order that the notification be posted on the premises of the chambers of commerce and in those of the Central Patent Office and published in the Patent Bulletin.

70.

The record of the adjudication shall contain the main information concerning the patent as resulting from the Patent Register.

71.

The creditor requesting enforcement of an industrial model patent must notify the creditors in possession of guarantee rights, recorded in accordance with Section 66 of Royal Decree No. 1127 of June 29, 1939, of the act of seizure and of the order fixing the date of the sale at least 10 days before the sale.

These latter creditors shall file with the registry of the competent judicial instance in accordance with Section 71 of Royal Decree No. 1127 of June 29, 1939, their requests to participate accompanied by the justifying documents within 15 days prior to the sale.

Any person with an interest therein may examine the applications and the documents.

72.

On expiry of the term of 15 days laid down in the second paragraph of the preceding Section, the magistrate, at the request of one of the parties, shall lay down the date of the hearing at which he will propose the order and distribution of the proceeds of sale and possible revenue.

During the hearing, the magistrate shall ensure that the provisions of the preceding Section have been complied with or, in the event of disagreement between the parties concerning the distribution of the proceeds and revenue, shall draw up the order of creditors and the

distribution of the proceeds of sale and the revenue in accordance with the provisions of the Code of Civil Procedure concerning enforcement in respect of movable property; where he is not competent in respect of the value, he shall refer the parties to a hearing before a civil court. Possible or conditional interest shall be claimable in accordance with the Civil Code.

73.

The person to whom the patent is adjudicated shall have the right to obtain cancellation of the recordings of guarantee rights in the patent by filing with the Central Patent Office a copy of the record of adjudication and an attestation by the registrar of payment of the price of adjudication, in accordance with the provisions of Section 63 on cancellation of recordings.

74.

Industrial model patents may be the subject of seizure even during the grant procedure.

The provisions of the preceding Sections relating to enforcement, together with the provisions of the Code of Civil Procedure relating to seizure, shall apply to the seizure proceedings where they are not contrary to the provisions of the above-mentioned Sections.

75.

Litigation in respect of enforcement and seizure of patents shall be heard by the State judicial authority competent by virtue of Section 75 of Royal Decree No. 1127 of June 29, 1939.

Title VII Appeals and Appeals Procedure

76.

The Board of Appeals referred to in Section 71 of Royal Decree No. 1127 of June 29, 1939, shall be assisted by a secretariat whose members shall be appointed by the decree setting up the Board or by separate decree. The members of that secretariat shall be chosen from among officials of Group A, not above the seventh grade nor below the ninth grade, in the Central Patent Office.

77.

Appeals in respect of industrial model patents, in the cases that correspond to those laid down in Royal Decree No. 1127 of June 29, 1939, in respect of patents for inventions, shall be submitted to the offices referred to in Section 2 or directly by registered mail to the secretariat of the Board of Appeals at the Central Patent Office.

The original of the act filing the appeal shall be accompanied by three copies on unstamped paper, subject, however, to the secretariat of the Board having the faculty to request the parties for a larger number of copies.

78.

The Chairman of the Board shall appoint a rapporteur for each appeal and, where matters of a technical nature are concerned, shall also appoint one or more deputy rapporteurs chosen from among the technical members.

79.

In the cases referred to in the second paragraph of Section 35 and in Section 39 of Royal Decree No. 1127 of June 29, 1939, the copies for the opposing parties shall be communicated to them by registered mail, through the secretariat of the Board.

The Chairman, or the rapporteur appointed by him, shall fix the time limit, of 90 days at most, for submission of the memoranda and replies by the opposing parties and for filing of the relevant documents.

The provisions of this Section and of the preceding Sections shall apply to the presentation and transmission of those documents.

80.

On expiry of the time limit referred to in the preceding Section, the Board shall decide the means of examination it deems appropriate and shall establish the conditions.

During examination, the Chairman or the rapporteur appointed by him may hear the parties to obtain any possible explanations.

81.

Where means of examination are not necessary or in all cases where examination has been completed, the Chairman shall fix the date for the appeal proceedings before the Board.

82.

The Board shall be competent when the absolute majority of its members having a deliberating vote are present.

The Director of the Central Patent Office or an official of the Office appointed by the Director to represent him shall participate in the sittings and shall provide the Board with all information and documents that may be necessary.

83.

An appellant who so requests in good time, at the latest three days prior to examination of his appeal, shall have the right to put his arguments orally, subject to being present at the date and time fixed for the appeal proceedings concerning him, which will be communicated in good time by the secretariat of the Board.

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

84.

After the opening of the sitting, the rapporteur shall present his report on the appeal.

The parties or their representatives shall then set out their arguments and if the members of the Board so request, the Director of the Office or an official of the Office appointed by the Director to represent him shall supply any requested information and documents.

85.

Any interested person may submit to the Board an explanatory memorandum prior to closure of the appeal proceedings.

New elements which may influence the decision arising during the proceedings shall be communicated to the parties.

86.

The Board may at any time decide on means of examination as it deems appropriate.

The Board may further, in each case, order adjournment of the decision or even of the examination to a subsequent sitting.

87.

The Board shall take its decision once the appellant has retired. The rapporteur, or another member of the Board, shall draw up the decision. The decision shall be notified by registered letter addressed by the secretariat of the Board to the party concerned or to his representative, where applicable, and its enacting terms shall be published in the Patent Bulletin, subject to the faculty of the Board to order full publication in the Bulletin where the decision concerns a matter of principle and publication cannot be prejudicial.

The appellant may at any time obtain a copy of the decision at his own cost by paying the stamp duty and the clerical expenses.

88.

The Minister for Industry, Commerce and Handicrafts may submit for examination by the Board, for its opinion, any matter of principle concerning patents for models and any other matter falling in that field. The Chairman of the Board may also add to the Board technical experts in addition to those referred to in Section 71 of Royal Decree No. 1127 of June 29, 1939.

Title VIII Consultation and Publications

89.

The Register of Industrial Model Patents, corresponding to the Register of Patents for Inventions referred to in Section 37 of Royal Decree No. 1127 of June 29, 1939, may be consulted by the public with the authorization of the Director of the Central Patent Office on a request drawn up on stamped paper and on payment to the Office of the consultation fees. The public may also consult the Register of Applications on the same conditions and after payment of the above-mentioned fees.

90.

Where the provisions of the second paragraph of Section 10 of Royal Decree No. 1411 of August 29, 1940, as amended, have been complied with, the Office shall hold for free consultation by the public a copy of the plates containing the graphic reproduction of the models or products or samples of the products and the description, where applicable, accompanying the patent application or the patent.

The public may also consult, under the same conditions, the plates and any description relating to patents attached to the applications in which the priority of earlier deposits is claimed.

91.

The Director of the Office may authorize extracts of copies of applications, of plates containing the graphic reproduction of the models or products or samples of the products together with possible descriptions and other documents available to the public being supplied to any person so requesting on stamped paper, subject to any precautions he may deem necessary to avoid any damage or deterioration of the copy made available to the public.

Where copies are to be certified as in conformity with the copy made available to the public, the conditions relating to stamp duty must be fulfilled.

The Ministry of Industry, Commerce and Handicrafts may decide, however, that the Central Patent Office alone shall be responsible for the copy or the reproduction, including photographic reproduction, of the above-mentioned acts and documents, against prior payment of clerical expenses.

92.

The copies and extracts from the Patent Register and the certificates

relating to extracts from other registers and duplicates of the originals of patents shall be drawn up exclusively by the Central Patent Office on a request drawn up on stamped paper and stating the number of the patent of which a copy or extract is requested, and on prior payment to the Office of the clerical expenses in addition to the fee set out in Table A annexed to Royal Decree No. 1411 of August 25, 1940.

The provisions of the Law on Stamps shall apply to such copies and extracts and to patent certificates and duplicates.

93.

The certificate attesting to the authenticity of the copies corresponding to those referred to in Section 96 of Royal Decree No. 1127 of June 29, 1939, shall be subject, in addition to the fee set out in Table A annexed to Royal Decree No. 1411 of August 25, 1940, to payment of clerical fees to the Office in respect of each sheet of stamped paper and each plate containing the graphic reproduction of the models or products or samples of products.

94.

The amount of the fees laid down by these regulations shall be fixed by order of the Minister for Industry, Commerce and Handicrafts in agreement with the Minister for Finance.

The amount of the fees for copying and photographic reproduction work carried out by the Central Patent Office shall be laid down in the same way.

95.

The granted patents, classified according to the classes of models, and the recordings made shall be published at least once a month in the Bulletin of Patents for Inventions, Models and Marks.

This publication shall comprise the basic information contained, respectively, in the patents and in the requests for recordings.

The Bulletin may also contain either the analytical indexes of models protected by patent or the alphabetical indexes of owners of granted patents; the schedules of plates may also be published therein.

96.

The issues of the Bulletin of Patents for Inventions, Models and Marks shall be sent free of charge to the chambers of commerce or solely to those to which they may be particularly useful, and to other bodies entered on the list drawn up by the Ministry of Industry, Trade and Handicrafts.

They shall also be sent, as an exchange, to the patent offices of other States.

Title IX Provisions Concerning the Italian Overseas Territories

97-101. [Repealed]

Title X General and Miscellaneous

Chapter I General Provisions

102-104. [Repealed]

105.

For the purposes of Section 59, item (2), of Royal Decree No. 1127 of June 29, 1939, concerning nullity of patents due to the patent not disclosing the invention in an adequate manner, the information required by the person skilled in the art to enable him to implement the model must derive in a concordant manner from the title, the plates containing the graphic reproduction of the model or products or sample of the products referred to in Section 4, item (1), above, and the description, where applicable, taken as a whole.

106.

Where two patent applications are filed simultaneously for the same subject matter, one for an invention and the other for a utility model, in accordance with Section 4 of Royal Decree No. 1411 of August 25, 1940, and explicit mention is also made, in each application, of the simultaneous filing of the other application, the applicant may furnish the documents in accordance with the prescribed conditions for the application for a patent for invention only.

The two applications must be filed with the same office on the same day.

107.

In the case referred to in the preceding Section, where the application accepted is that for a utility model, the applicant shall be entitled to refund of the excess fees paid, whereby the excess filing fees paid cannot be taken into consideration or refunded.

Chapter II Miscellaneous

108.

The Minister for Industry, Commerce and Handicrafts may establish by order the models on which the applications and other acts relating to industrial model patents shall be drawn up.

Where an application or other act does not conform to the models referred to in the preceding paragraph, the parties concerned shall be required to furnish additional information or explanations as required in relation

to such applications or acts.

109. [Repealed]

110.

Until such time as new provisions be adopted, the provisions of Royal Decree No. 2730 of October 23, 1884, and of the Ministerial Decree of May 8, 1914, on the operation of the Central Patent Office in its relations with the public, shall be applicable where they are not contrary to Royal Decree No. 1411 of August 25, 1940, Royal Decree No. 1127 of June 29, 1939, or to these Regulations.

Pending adoption of the Ministerial Decree referred to in Section 94, the provisions currently in force as regards clerical costs and the fees for copying and photographic reproduction work shall continue to apply.

111. [Obsolete]