



Laidiens: 15.03.2005., Nr. 43

Saeima ir pieņēmusi un Valsts prezidents izsludina šādu likumu:

Par 1973. gada 5. oktobra Konvenciju par Eiropas patentu piešķiršanu (Eiropas patentu Konvencija), 2000. gada 17. oktobra Vienošanās par Konvencijas par Eiropas patentu piešķiršanu 65. panta piemērošanu un 2000. gada 29. novembra Grozījumiem 1973. gada 5. oktobra Konvencijā par Eiropas patentu piešķiršanu (Eiropas patentu Konvencija)

1.pants. 1973.gada 5.oktobra Konvencija par Eiropas patentu piešķiršanu (Eiropas patentu Konvencija) ar grozījumiem, kas izdarīti līdz 2004.gada 1.janvārim (turpmāk — Konvencija), 2000.gada 17.oktobra Vienošanās par Konvencijas par Eiropas patentu piešķiršanu 65.panta piemērošanu (turpmāk — Vienošanās) un 2000.gada 29.novembra Grozījumi 1973.gada 5.oktobra Konvencijā par Eiropas patentu piešķiršanu (Eiropas patentu Konvencija) (turpmāk — Grozījumi) ar šo likumu tiek pieņemti un apstiprināti.

2.pants. Konvencijas izpildi koordinē un Latvijas Republikas intereses Konvencijas izpildinstitūcijās pārstāv Patentu valde.

3.pants. Konvencija stājas spēkā tās 169.pantā noteiktajā laikā un kārtībā, Vienošanās stājas spēkā tās 6.pantā noteiktajā laikā un kārtībā, Grozījumi stājas spēkā to 8.pantā noteiktajā laikā un kārtībā, un Ārlietu ministrija par to paziņo laikrakstā "Latvijas Vēstnesis".

4.pants. Likums stājas spēkā nākamajā dienā pēc tā izsludināšanas. Līdz ar likumu izsludināma Konvencija, Vienošanās un Grozījumi angļu valodā un to tulkojums latviešu valodā.

Likums Saeimā pieņemts 2005.gada 24.februārī.

Valsts prezidente V.Viķe-Freiberga

Rīgā 2005.gada 15.martā

Convention on the grant of European Patents

(European Patent Convention)

of 5 October 1973

text as amended by the act revising Article 63 EPC of 17 December 1991 and by decisions of the Administrative Council of the European Patent Organisation of 21 December 1978, 13 December 1994, 20 October 1995, 5 December 1996 and 10 December 1998

PREAMBLE

The Contracting States,

DESIRING to strengthen co-operation between the States of Europe in respect of the protection of inventions,
DESIRING that such protection may be obtained in those States by a single procedure for the grant of patents and
by the establishment of certain standard rules governing patents so granted,

DESIRING, for this purpose, to conclude a Convention which establishes a European Patent Organisation and
which constitutes a special agreement within the meaning of Article 19 of the Convention for the Protection of
Industrial Property, signed in Paris on 20 March 1883 and last revised on 14 July 1967, and a regional patent treaty
within the meaning of Article 45, paragraph 1, of the Patent Cooperation Treaty of 19 June 1970,

HAVE AGREED on the following provisions:

Part I

GENERAL AND INSTITUTIONAL PROVISIONS

Chapter I

General provisions

Article 1

European law for the grant of patents

A system of law, common to the Contracting States, for the grant of patents for invention is hereby established.

Article 2

European patent

(1) Patents granted by virtue of this Convention shall be called European patents.

(2) The European patent shall, in each of the Contracting States for which it is granted, have the effect of and be subject to the same conditions as a national patent granted by that State, unless otherwise provided in this Convention.

Article 3

Territorial effect

The grant of a European patent may be requested for one or more of the Contracting States.

Article 4

European Patent Organisation

(1) A European Patent Organisation, hereinafter referred to as the Organisation, is established by this Convention. It shall have administrative and financial autonomy.

(2) The organs of the Organisation shall be:

(a) a European Patent Office;

(b) an Administrative Council.

(3) The task of the Organisation shall be to grant European patents. This shall be carried out by the European Patent Office supervised by the Administrative Council.

Chapter II

The European Patent Organisation

Article 5

Legal status

(1) The Organisation shall have legal personality.

(2) In each of the Contracting States, the Organisation shall enjoy the most extensive legal capacity accorded to legal persons under the national law of that State; it may in particular acquire or dispose of movable and immovable property and may be a party to legal proceedings.

(3) The President of the European Patent Office shall represent the Organisation.

Article 6

Seat

(1) The Organisation shall have its seat at Munich.

(2) The European Patent Office shall be set up at Munich. It shall have a branch at The Hague.

Article 7

Sub-offices of the European Patent Office

By decision of the Administrative Council, sub-offices of the European Patent Office may be created if need be, for the purpose of information and liaison, in the Contracting States and with inter-governmental organisations in the field of industrial property, subject to the approval of the Contracting State or organisation concerned.

Article 8

Privileges and immunities

The Protocol on Privileges and Immunities annexed to this Convention shall define the conditions under which the Organisation, the members of the Administrative Council, the employees of the European Patent Office and such other persons specified in that Protocol as take part in the work of the Organisation, shall enjoy, in the territory of each Contracting State, the privileges and immunities necessary for the performance of their duties.

Article 9

Liability

- (1) The contractual liability of the Organisation shall be governed by the law applicable to the relevant contract.
- (2) The non-contractual liability of the Organisation in respect of any damage caused by it or by the employees of the European Patent Office in the performance of their duties shall be governed by the provisions of the law of the Federal Republic of Germany. Where the damage is caused by the branch at The Hague or a sub-office or employees attached thereto, the provisions of the law of the Contracting State in which such branch or sub-office is located shall apply.
- (3) The personal liability of the employees of the European Patent Office towards the Organisation shall be laid down in their Service Regulations or conditions of employment.
- (4) The courts with jurisdiction to settle disputes under paragraphs 1 and 2 shall be:
 - (a) for disputes under paragraph 1, the courts of competent jurisdiction in the Federal Republic of Germany, unless the contract concluded between the parties designates the courts of another State;
 - (b) for disputes under paragraph 2, either the courts of competent jurisdiction in the Federal Republic of Germany, or the courts of competent jurisdiction in the State in which the branch or sub-office is located.

Chapter III

The European Patent Office

Article 10

Direction

- (1) The European Patent Office shall be directed by the President who shall be responsible for its activities to the Administrative Council.
- (2) To this end, the President shall have in particular the following functions and powers:

- (a) he shall take all necessary steps, including the adoption of internal administrative instructions and the publication of guidance for the public, to ensure the functioning of the European Patent Office;
 - (b) in so far as this Convention contains no provisions in this respect, he shall prescribe which transactions are to be carried out at the European Patent Office at Munich and its branch at The Hague respectively;
 - (c) he may place before the Administrative Council any proposal for amending this Convention and any proposal for general regulations or decisions which come within the competence of the Administrative Council;
 - (d) he shall prepare and implement the budget and any amending or supplementary budget;
 - (e) he shall submit a management report to the Administrative Council each year;
 - (f) he shall exercise supervisory authority over the personnel;
 - (g) subject to the provisions of Article 11, he shall appoint and promote the employees;
 - (h) he shall exercise disciplinary authority over the employees other than those referred to in Article 11, and may propose disciplinary action to the Administrative Council with regard to employees referred to in Article 11, paragraphs 2 and 3;
 - (i) he may delegate his functions and powers.
- (3) The President shall be assisted by a number of Vice-Presidents. If the President is absent or indisposed, one of the Vice-Presidents shall take his place in accordance with the procedure laid down by the Administrative Council.

Article 11

Appointment of senior employees

- (1) The President of the European Patent Office shall be appointed by decision of the Administrative Council.
- (2) The Vice-Presidents shall be appointed by decision of the Administrative Council after the President has been consulted.
- (3) The members, including the Chairmen, of the Boards of Appeal and of the Enlarged Board of Appeal shall be appointed by decision of the Administrative Council, taken on a proposal from the President of the European Patent Office. They may be re-appointed by decision of the Administrative Council after the President of the European Patent Office has been consulted.
- (4) The Administrative Council shall exercise disciplinary authority over the employees referred to in paragraphs 1 to 3.

Article 12

Duties of office

The employees of the European Patent Office shall be bound, even after the termination of their employment, neither to disclose nor to make use of information which by its nature is a professional secret.