

CZECH REPUBLIC

Law No. 474/2004 Coll., of 22 July 2004, Amending Act No. 207/2000 Coll. on the Protection of Industrial Designs on Amendments of Act No. 527/1990, on Inventions, Industrial Designs and Rationalization Proposals, in the Version of Later Regulations

Parliament has adopted the following Act of the Czech Republic:

1. Act No. 207/2000 Coll. on the protection of industrial designs on amendments of Act No. 527/1990, on inventions, industrial designs and rationalization proposals, in the version of later regulations has been hereby changed as follows:

1. In Section 6, subsection 1, first sentence, the words after “otherwise published” are completed with “except for cases where such disclosure might not become known by expert groups active within the European Communities and specialized in such branch in the course of standard business activities prior to submission of the application or prior to the date of priority.”

2. In Section 24, subsection 2, the following words are added after “in the European Communities”: “or in another country being a member of the EEA”.

3. In Section 27, subsection 1, paragraph *d*) is as follows:

“*d*) if it is an industrial design already registered or effectively protected in the Czech Republic as an older industrial design, however, which was accessible to the public after the date of priority of the contested industrial design,”.

4. In section 34, the existing text is marked as subsection 1 and the new subsection 2 indicated below, including footnote No. 2*a*), is added:

“(2) Also an application of a registered Community design¹ can be submitted to the Office; the submission date is stamped on such application by the Office and the latter delivers it within fourteen days to The Office for Harmonisation in the Internal Market (Trade Marks and Designs). The applicant shall pay a fee amounting to 500 CZK for forwarding of the application covering expenses associated with acceptance and forwarding of the application.

5. In Section 37, subsection 6, the following sentence is added after the first sentence: “The application for registration of the industrial design shall also be refused due to its conflicting with an older identical design effective in the territory of the Czech Republic

made accessible to the public after date of filing the application or after this application's priority date."

6. In Section 40, subsection 3 is hereby deleted.

7. In Section 47, the new subsection 3 indicated below, including footnote No. 6a), is added:

"(3) A lawsuit against the final Office's decision conforming to special legal directives² can be filed.

8. In Section 47, the following subsections 4 and 5 are added:

"(4) The City Court in Prague decides in the Czech Republic as the first instance court for Community designs as directed by EC Council Directive No. 6/2002 of 12 December 2001 about Community designs.

(5) The decision of The Office for Harmonisation in the Internal Market (Trade Marks and Designs) about costs in favour of the proceeding's participant before The Office for Harmonisation in the Internal Market (Trade Marks and Designs) shall be indicated by the Office's enforcement clause pursuant to an application filed by an authorized participant after verification of the claim's authenticity without any checking or issuing of a decision."

Entry into Force

2. This Act shall enter into force on the day of declaration thereof.

Signed by Zaorálek, Klaus, Gross

¹ EC Council Regulation No. 6/2002 of 12 December 2001 on (industrial) designs of the Communities.

² Act No. 150/2002 on Rules of Administrative Procedure as amended.