



LAW n. 79 of 25 May 2005

REPUBLIC OF SAN MARINO

INDUSTRIAL PROPERTY CONSOLIDATION ACT

**We the Captains Regent
of the Republic of San Marino**

Hereby promulgate and order the publication of the following law approved by the Great and General Council in its sitting on 25 May 2005.

PREAMBLE

For the purpose of this Industrial Property Consolidation Act, indicates both the San Marino patent-rights established through patenting (patents, utility models, vegetable varieties) or through registration (marks, designs and models) and the rights related to trade names, indications of origin, geographical names, distinctive signs different from registered marks, confidential trade information.

This Single Text also regulates protection against acts of unfair competition.

Besides the substantial part, this Single Text sets forth the specific discipline to be followed with a view to guaranteeing preventive measures for the protection of the above-mentioned rights.

TITLE I PATENTS

Article 1

(Definition of “patent” and “invention”)

For the purposes of this Single Text:

- I) an “invention” shall be defined as a technical teaching, the content of which, irrespective of the way in which it is expressed, meets the requirements and conditions set forth in this legal text; an invention can be or concern a product, a new use of a product or a process or a method;
- II) a “patent” shall be defined as the title granted which confers exclusive rights.

Article 2

(Subject-matter of the patent and exclusions from patentability)

- 1. An invention is patentable if it is new, involves an inventive step and is susceptible of industrial application.
- 2. Under Article 1, the following, in particular, shall not be regarded as inventions:

- a) discoveries, scientific theories and mathematical methods,
 - b) aesthetic creations;
 - c) schemes, rules and methods for performing mental acts, playing games or doing business, and programs for computers;
 - d) presentations of information.
3. The provisions of paragraph 2 shall exclude patentability of the subject-matter or activities referred to therein only to the extent to which an application or a patent relates to such subject-matter or activities as such.
4. The following inventions are not patentable:
- a) inventions concerning methods for surgical or therapeutic treatment or diagnostic methods practiced on humans or animals. This provision shall not apply to products, in particular substances or compositions of substances, for use in such methods;
 - b) inventions the use of which would be contrary to public order or morality; the use of an invention shall not be deemed contrary to public order or morality merely because it is prohibited by law or regulation; to this end, the following, in particular, shall not be patentable:
 - I) processes for cloning human beings;
 - II) processes for modifying the genetic identity of human sex cells;
 - III) use of human embryos for industrial or commercial purposes;
 - IV) processes for modifying the genetic identity of animals, which are likely to cause them suffering without any substantial medical benefit to man or animal, including animals resulting from such process;
 - c) inventions concerning animal varieties or essentially biological processes for the production of animals varieties; this provision shall not apply to microbiological processes and the products thereof;
 - d) inventions concerning the human body, at all of the various stages of its formation and development, and the simple discovery of one of its elements, including the sequence or partial sequence of a gene.
5. An essentially biological process means a process, which consists entirely of natural phenomena such as crossing or selection.
6. Biological material, which is isolated from its natural environment or produced by means of a technical process, may be the subject of an invention, even if it previously occurred in nature.
7. For the purpose of this Single Text:
- a) “*biological material*” means material that contains genetic information and can reproduce itself or be reproduced in a biological system;
 - b) “*microbiological process*” means any process involving, performed upon or resulting in microbiological material.

Article 3 (*Novelty*)

- 1. An invention shall be new if it does not form part of the state of the art.
- 2. The state of the art shall be held to comprise everything made available to the public anywhere in the world by publication or oral disclosure or use, prior to the date of filing of the application claiming the invention or, where applicable, prior to the date of priority.
- 3. For the purposes of paragraph 2 above, any disclosure shall be deemed relevant only if it is adequate for an unspecified number of people to understand the content of the inventive teaching.
- 4. For the purposes of paragraph 2 above, any disclosure to the public of the invention shall not be taken into consideration if it occurred in the six months preceding the date of filing or, where applicable, the date of priority of the application and if it was due to, or in consequence of, related actions by the applicant or his legal predecessor or a related abuse by a third party in respect of the applicant or his legal predecessor.

5. To determine the novelty of an invention, the elements of the state of the art can be considered only individually and not in combination with one another.

6. The state of the art also includes the content of the patent applications filed in the Republic of San Marino, or of other patent applications having effect in the same State, in particular Italian patent applications, protected by virtue of Article 43 of the Convention on Friendship and Good Neighbourhood between San Marino and Italy of 31 March 1939, as they were filed, if their date of filing precedes that mentioned in paragraph 2 above and if they were published or disclosed to the public on or after this date.

7. The provisions set forth in the preceding paragraphs shall not exclude from patentability a substance or composition of substances already forming part of the state of the art for the purposes of using it in one of the methods specified in Article 2, paragraph 4, letter a) above, provided that its use in any such methods does not form part of the state of the art.

8. Any disclosure to the public through display of the invention at an official or officially recognised international exhibition falling within the terms of the Convention on International Exhibitions, done at Paris on November 22, 1928, and subsequent amendments, shall not be taken into consideration, provided that the invention has not been made available to the public within six months prior to the filing of the application. The Director of the Patents and Trade Marks State Office may designate other official exhibitions to which these provisions shall apply.

Article 4

(Inventive step)

1. An invention shall be considered as involving an inventive step if, having regard to the state of the art relating to the application claiming the invention, it would not be obvious to a person normally skilled in the art.

2. For the purposes of determining the inventive step, the document of the state of the art referred to in the preceding Article 3, paragraph 5, shall not be taken into consideration.

Article 5

(Industrial application)

1. An invention shall be considered as susceptible of industrial application if it can be made or used in any kind of industry.

2. The term “*industry*” may be understood in the broadest sense; it includes any activity also in the field of handicraft, agriculture, fishery and services.

Article 6

(Right to a patent)

1. The right to a patent shall belong to the inventor or his successor in title. If two or more persons have created an invention jointly, the right to the patent shall be regulated by this Single Text, unless otherwise agreed.

2. If two or more persons have created an invention independently of each other, the right to the patent shall belong to the inventor, or his successor in title, who filed the application with the earliest date or, where applicable, with the earliest date of priority, provided that the patent application was published.

3. For the purposes of the procedures before the Patents and Trade Marks State Office, it shall be presumed that the applicant is the holder of the right to the patent and that he is authorised to exercise such right.

4. The patent applicant may designate in his application one or more persons on whom he confers the rights in the patent, specifying the nature of such rights.

5. Such designation shall be entered in the Patent Register and on the patent itself, provided that the acceptance of the designated person is reported to the Patents and Trade Marks State Office prior to the grant of the patent.
6. If two or more persons have created an invention jointly, each inventor has an undivided equal right to the patent and its exploitation, unless otherwise agreed, and such rights are regulated by the legal provisions on joint ownership.
7. Unless otherwise agreed, the assignment of patent rights shall impose on the assignee the obligation to pay the fees due; if rights are assigned to several persons, either jointly or proportionally, all of them shall be jointly liable to the payment of such fees.
8. Any benefits which foreigners presently enjoy, have enjoyed or will enjoy in the territory of the under international Conventions with regard to patents shall be extended to San Marino citizens.
9. Employees of the Patents and Trade Marks State Office may not, either directly or indirectly, apply for patents, become assignees thereof or in any way be interested in patents, until two years after the date of termination of their employment at the Office.

Article 7

(Inventions made by employees)

1. When an invention is developed in execution of a commission or an employment contract, the rights deriving from the invention shall belong, in the absence of contractual provisions to the contrary, to the person having commissioned the work or to the employer.
2. However, the employee shall have a right to equitable remuneration, taking into account his salary, the economic value of the invention and any benefit derived from the invention by the employer.
3. If the conditions provided for in paragraphs 1 and 2 above do not exist, but the industrial invention falls within the field of activity of the private enterprise or the public administration in which the inventor is employed, the employer shall have a right of pre-emption with regard to the exclusive or non-exclusive use of the invention or to the acquisition of the patent, as well as the right to apply for or acquire patents for the same invention in foreign countries, against payment of a royalty or price to be fixed after deduction of an amount equivalent to the value of such assistance as the inventor may have received from the employer in the development of the invention.
4. In the case provided for in paragraph 3 above, the inventor shall have the duty to inform the employer of the invention, of the filing of the patent application and of the grant of the patent. The employer may exercise the right of pre-emption within three months from receipt of the notice informing him of the grant of the patent.
5. The relationship ensuing from the exercise of the right of pre-emption provided for in paragraphs 3 and 4 above shall terminate *de jure* if the fixed compensation is not paid in full by the date on which it is due.
6. If, in the cases provided for by paragraphs from 3 to 5 above, non agreement can be reached on the compensation, royalty or price, or on the terms and conditions relative thereto, a decision thereon shall be taken by a Board of Arbitration consisting of three members, one to be appointed by each of the parties and the third by the first two, or, in case of disagreement, by the Single Court of the Republic of San Marino.
7. For the purposes of the preceding paragraphs, an industrial invention shall be considered as developed during the performance of an employment contract or relationship when a patent for the invention has been applied for within one year from the date on which the inventor left the service of the private enterprise or public administration in whose field of activity the invention falls.
8. By way of derogation from the preceding provisions, when the employment relationship is with a Public Research Organisation (PRO) having research among its institutional aims, the inventor shall inform the PRO of his/her invention, according to the terms established by the PRO

itself, so that the organisation can notify, within two months from receipt of the notice informing it of the invention, its interest in exercising the right to apply for the relevant patent.

9. PROs having research objectives shall establish, within the limits of their own financial resources, appropriate facilities to guarantee the promotion of inventions developed by researchers.

10. The inventor shall have the right to be recognised as the author and is entitled to at least 30% of the proceeds from the economic exploitation of the patent applied for by the PRO.

11. If the PRO has not notified its interest in exercising the right to apply for the patent within the term set forth in paragraph 8 above, or if it has not filed the patent application within four months following notification of its interest, the inventor has the right to file the patent application. In case the PRO has exercised the right to apply for the patent but it has not started to exploit it within two years since the grant of the patent, the inventor shall automatically acquire the right to exploit the invention free of charge and to exercise the patrimonial rights related to such invention.

12. In the assessment of the extension of the territorial scope of protection, the PRO may decide to which Countries it will extend the scope of the priority application. However, the inventor shall have the possibility (at his own expenses) to decide whether the extension shall apply to territories excluded by the PRO. Similarly, with regard to annual renewal fees, the PRO shall not be obliged to continue to pay such fees in Countries, which it is not interested in. However, the inventor shall have the possibility of continuing to pay (at his own expenses) such annual fees. In the cases provided for in the preceding paragraph, the inventor shall be entitled to 70% of the economic benefits deriving from exploitation in the Countries chosen by him, or renewed through the payment of maintenance fees, while the remaining 30% shall in any case be devolved to the PRO.

13. The inventor shall have a right of pre-emption to acquire the patent if the PRO, once the patent has been filed, decides to offer it on the market.

14. If there are several inventors, they are all entitled to be recognised as authors; in this case, the right to obtain at least 30% of the proceeds from the exploitation of the patent shall be equally divided among the authors, unless a different participation in the development of the invention is agreed or established. In this latter case, the division shall be proportional to the contribution made by each author. The Law Commissioner shall be entrusted with the establishment of such entities.

Article 8 *(Right to the patent)*

1. If a final decision has been taken stating that the right to the patent belongs to a person other than the applicant, that person may, provided that the patent has not yet been granted and within three months after the decision has become final, at his own discretion:

- a) prosecute the patent application in his own name, assuming for all purposes the quality of the applicant;
- b) file a new patent application, which, as long as its contents do not go beyond those of the first application, shall be effective as of the filing date, or the priority date, of the original application, which shall in any case cease to produce effects;
- c) cause the application to be rejected.

2. If the patent has already been granted to a person other than the person entitled to it, the latter may, at his own discretion:

- a) cause the patent to be transferred to his name by a decision having retroactive effect;
- b) claim nullity of the patent granted to a person not entitled to it.

3. If two years have elapsed from the date of publication provided for by Article 26, paragraph 1 below, and the person entitled to the patent has failed to exercise any of the rights provided for in paragraph 2, letter b) above, any interested person may claim nullity of the patent granted to a person not entitled to it.

Art. 9
(Designation of the inventor)

1. The inventor has the right, vis-à-vis the applicant or the proprietor of a patent, to be mentioned before the Patents and Trade Marks State Office.
2. The inventor designated shall be mentioned as such in the patent application or the patent specification, unless the said person informs the Patents and Trade Marks State Office in writing that he waives his right thus to be mentioned.
3. The Patents and Trade Marks State Office shall not verify the accuracy of the designation of the inventor. An inaccurate or incorrect designation of the inventor may exclusively be rectified upon request, accompanied by the consent of the wrongly designated person and, in the event of such request not being filed by the applicant for or the proprietor of the patent, by the consent of that party.
4. If a third party files with the Patents and Trade Marks State Office a final decision whereby the applicant for or proprietor of a patent is required to designate him as the inventor, the Patents and Trade Marks State Office notifies it in the Patent Register and makes it public in the Official Bulletin.
5. The inventor whose request to be mentioned in the Patent Register and in the patent specification has been refused by the Patens and Trade Marks State Office may appeal against the decision.
6. The appeal under the previous paragraph does not interrupt the grant of the patent, provided that the inventor's name is subsequently inserted in the Patent Register.

Art. 10
(Patent applications)

1. A patent application shall be filed with the Patents and Trade Marks State Office and it shall contain a request, a description of the invention and an abstract. The application shall be filed by the inventor or a person acting on his behalf, i.e. his representative.
The application shall be subject to the payment of the prescribed fee.
2. The application shall contain:
 - a) a petition for the grant of the patent indicating the family name and given name(s), address and nationality of the applicant. If the applicant has appointed a representative, it shall report his family name and given name(s), address, nationality; the title of the invention, which shall clearly and concisely state the technical designation and purpose of the invention.
 - b) a statement claiming the right of the applicant for the patent, when the applicant is not the inventor.
3. The application shall be accompanied by:
 - a) the description of the invention containing the drawings of the invention, when required;
 - b) the document proving the payment of the prescribed fees;
 - c) the designation of the inventor.
4. If the applicant has appointed a representative, the power of attorney, i.e. the letter of appointment, shall be attached.
5. If the applicant does not attach the designation of the inventor or the letter of appointment to the request for the grant of the patent, the documents shall be presented within two months after the date of filing of the application.
6. If priorities are claimed, the applicant shall enclose the documents referred to in art. 11.

Art. 11
(Documents to claim priority)

1. If priority is claimed for a previous application, the applicant shall provide to the Patents and Trade Marks State Office all the documents and information proving the existence of the priority, as it is laid down in the following paragraphs.
2. Every filing that is equivalent to a regular national filing under the national law of the State where it was made or under bilateral or multilateral agreements and, in respect of the same invention, made during a period of 12 months from the date of filing of the application at the Patents and Trade Marks State Office of the Republic of San Marino, shall be recognised as giving rise to a right of priority. By a regular national filing is meant any filing which is sufficient to establish the date on which the application was filed, whatever may be the outcome of the application.
3. For the purposes of this Single Text an invention which is claimed in a patent application is considered to be the same invention being the object of a previous patent application only if the skilled person in the art can derive the subject matter of the claim of the patent application directly and unambiguously, using common general knowledge, from the previous application as a whole.
4. The application shall be accompanied by a document indicating the name of the applicant, the title of the invention, the description of the invention, as well as the date of filing of the previous application.
5. If the filing was made by another person, the applicant shall prove to be the successor or representative of the first applicant.
6. The documents referred to in paragraphs 4 and 5 must be accompanied by a written translation into Italian showing any quantitative indications both in their original form and in the decimal metric system.
7. The Patens and Trade Marks State Office is entitled to request that the translation is certified and authenticated before San Marino authorities.
8. Certificates, likewise translated into Italian and issued by Directors or Presidents of Industrial Property Offices in Member States of the World Intellectual Property Organisation in Geneva shall be exempt from legalisation and they may be replaced by official publications bearing the official stamp or certification of the Office from which they come.
9. The applicant is responsible for the accuracy and conformity of the aforesaid translations with the original texts.
10. Multiple priorities may be claimed in respect of a patent application, notwithstanding the fact that they originated in different countries. Where appropriate, multiple priorities may be claimed for any one claim. Where multiple priorities are claimed, time limits which run from the date of priority shall run from the earliest date of priority.
11. If one or more priorities are claimed in respect of a patent application, the right of priority shall cover only those elements of the patent application which are included in the application or applications whose priority is claimed. The right of priority may be claimed in a single application if there is unity of invention.
12. If certain elements of the invention for which priority is claimed do not appear among the claims formulated in the previous application, priority may nonetheless be granted, provided that the documents of the previous application as a whole specifically disclose such elements.
13. The right of priority shall have the effect that the date of priority shall count as the date of filing of the application. The claim to priority must be indicated in the patent application.
14. The patent is granted but the right of priority is lost for the application when the documents mentioned above are not provided in due form within six months after filing of the application or sixteen months from the date of priority, depending on which time limit expires later. When the

priority of a filing made in compliance with the International Conventions in force is refused, the refusal must be noted in the patent specification.

Art. 12
(Description)

1. The description must disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art and in particular, it must give one or more examples the applicant knows to perform the invention.
2. The description shall contain in the order:
 - a) an abstract;
 - b) a technical presentation of the invention;
 - c) one or more claims defining and explaining the subject matter of the patent and its function;
 - d) the figure in the drawings, if any.
3. The description must be on ISO A4 paper and typed or printed in a clear way, using an indelible colour. The minimum margins are 1.5 centimetres on all sides of the sheet.
4. The patent application must be accompanied by 3 copies of this description. The applicant is responsible for the authenticity of the description; the three copies of the description shall be signed by the applicant or his representative.

Art. 13
(Abstract)

1. The abstract shall merely serve for use as technical information. In particular, it may not be taken into account for the purpose of interpreting the claims.
2. The abstract must indicate the title of the invention.
3. The abstract shall contain a concise summary of the disclosures as contained in the technical description, the claims and any drawings; the summary shall indicate the technical field to which the invention pertains and shall be drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention and the main use or uses of the invention. The abstract shall, where applicable, contain the chemical formula which, among those contained in the application, best characterises the invention. It shall not contain statements on the alleged merits or value of the invention or on its speculative application.
4. The abstract shall, preferably, not contain more than one hundred and fifty words.
5. If the patent application contains drawings, the applicant shall indicate the figure or, exceptionally, the figures of the drawings which he suggests they should accompany the abstract when it is published. The Patents and Trade Marks State Office may decide to publish on or more other figures, if it considers that they better characterise the invention. Each main feature mentioned in the abstract and illustrated by a drawing shall be followed by a reference sign, placed between parentheses.
6. The abstract shall be so drafted that it can be used as an efficient instrument for purposes of searching in the technical field and, in particular, in order to establish whether it is necessary or not to consult the patent application itself.

Art. 14
(Technical presentation)

1. The technical presentation shall:
 - a) indicate first of all the title of the invention, as it is mentioned in the request for the grant of the patent;

- b) specify the technical field to which the invention relates;
 - c) indicate the background art which, as far as known to the applicant, can be regarded as useful in order to understand the invention and, preferably, quote the documents reflecting such art.
 - d) disclose the invention, as claimed, in such terms that the technical problem, even if it is not expressly stated as such, and its solution can be understood and state any advantageous effects of the invention with reference to the background art;
 - e) briefly describe the figures in the drawings, if any;
 - f) indicate precisely, at least one way of implementing the invention for which protection is claimed; where appropriate, it shall give examples and refer to the drawings, if any;
 - g) indicate explicitly, if it is not clear from the description or nature of the invention, the way in which it is capable of exploitation in industry;
2. The technical presentation must be submitted in the manner and order specified in paragraph 1, unless because of the nature of the invention, a different manner or order would afford a better understanding and a briefer description.

Art. 15

(Form and content of claims)

1. Claims shall define the matter for which protection is sought, considering the technical features of the invention. Whenever necessary, claims shall contain:
- a) an introduction dealing with the designation of the subject-matter of the invention and the technical features which are necessary to define the claimed elements but which, in combination, are part of the state of the art;
 - b) a characterising portion, preceded by the expression “characterised in” or “characterised by”, stating the technical features for which, in combination with the features mentioned in subparagraph a), protection is sought.
2. A patent application may contain more than one independent claim in the same category (product, process, device or use) only if the subject-matter of the invention cannot properly be covered by a single claim.
3. Any claim mentioning the essential features of the invention may be followed by one or more dependent claims, containing all the features of the claims they depend on concerning particular embodiments of that invention.
4. Any dependent claim shall present, if possible at the beginning, a reference to the other claim or claims it depends on and state the additional features for which protection is sought. A dependent claim is also admitted when the claim to which it directly refers is itself a dependent claim. All dependent claims referring to a single previous claim or to several previous claims shall be grouped together to the extent and in the most appropriate way possible.
5. The number of claims must be reasonable, in consideration of the nature of the invention for which protection is sought. If there are several claims, they shall be numbered consecutively in Arabic numerals.
6. The number of claims shall not, except where absolutely necessary, rely on references to the description or drawings, as far as the technical features of the invention are concerned; in particular, they shall not rely on references such as: “as described in the part of the description” or “as illustrated in the figure of the drawings”.
7. Claims must be clear and concise. They must exclusively be supported on the description.
8. If the patent application contains drawings, the technical features mentioned in the claims must, as a rule, be followed by reference signs relating to these features and placed between parentheses, if the understanding of the claim can thereby be increased. These reference signs shall not be considered as limiting the claim.

Art. 16
(Drawings)

1. Drawings shall be attached to the patent application when they are necessary to understand the invention.
2. On sheets containing drawings, the usable surface shall not exceed 26.2 cm x 17 cm. These sheets shall not contain frames around the usable or used surface. The minimum margins are as follows:
 - a) top: 2.5 cm
 - b) left side: 2.5 cm
 - c) right side: 1.5 cm
 - d) bottom: 1.5 cm
3. Drawings must be executed as follows:
 - a) Drawings shall be executed in durable, black or blue, sufficiently dense and dark, uniformly thick and well-defined lines and strokes, without colourings.
 - b) Sections shall be indicated by cross-hatching which should not impede the clear reading of the reference signs and leading lines.
 - c) The scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty. When the scale is given on a drawing, it must be represented graphically.
 - d) Numbers, letters and reference signs appearing on the drawings shall be simple and clear. Brackets, circles or inverted commas cannot be used in association with numbers and letters.
 - e) All lines in the drawings shall usually be drawn with drafting instruments.
 - f) Elements of the same figure shall be in proportion to each other, unless a difference in proportion is indispensable for the clarity of the figure.
 - g) The height of the numbers and letters shall not be less than 0.32 cm. The Latin and, where customary, the Greek alphabets shall be used for the letters on drawings.
 - h) The same sheet of drawings may contain several figures. When figures drawn on two or more sheets are intended to form one whole figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures. Figures shall preferably be arranged in an upright position, on one or more sheets, clearly separated from one another, without wasting space. Figures shall be numbered consecutively in Arabic numerals, independently of the numbering of the sheets.
 - i) Reference signs shall appear on drawings only if they are mentioned in the description and claims and vice versa. The same elements, when denoted by reference signs, shall be denoted by the same signs throughout the application.
4. The drawings shall not contain explanations, except, when absolutely necessary, a single word or words such as “water”, “steam”, “open”, “closed”, “section AB” and, in the case of electric circuits and block schematic or flow sheet diagrams, a few short keywords which are indispensable for their understanding.
5. Flow sheet diagrams and schemes are considered to be drawings.
6. When the applicant presents a single copy of the description and drawings, he may be allowed to present the other two copies within two months after filing of the patent application.

Art. 17
(Deposit of microbiological material)

1. If an invention concerns a microbiological process or a product thereof and involves the use of a micro-organism which is not available to the public and cannot be described in such a manner as to enable the invention to be carried out by a person skilled in the art, the invention shall only be regarded as being disclosed only if:
 - a) a sample of the micro-organism has been deposited with a depositary institution under the provisions of the Budapest Treaty, and not later than the date of filing of the patent application;
 - b) the filed application contains the relevant information which is available to the applicant on the characteristics of the micro-organism;
 - c) the application indicates a recognised depositary institution with which a sample of the micro-organism has been deposited and the number and date of the deposit of the sample, unless the Patents and Trade Marks State Office requires a copy of the receipt of the deposit. Depositary institutions are considered to be institutions recognised for the purposes of obtaining a European patent or any international authority which is recognised under a convention ratified by the Republic of San Marino.
2. The information referred to in letter c) may be submitted within a period of two months after the date of filing of the patent application. The communication of this information shall be considered as constituting the unreserved and irrevocable consent of the applicant to make the deposited sample available to any person making a request to the depositary institution from the date of publication of the patent application.
3. The request shall be notified to the applicant or the patent owner and it shall indicate:
 - a) the name and address of the person making the request;
 - b) the undertaking by the person presenting the request vis-à-vis the applicant or the patent owner not to make the sample available to any third party;
 - c) the undertaking to use the sample through a named qualified expert only for experimental purposes up until the date on which the patent application is refused or withdrawn or the patent has finally expired or been declared to be null and void and can no longer be restored in favour of the applicant for or the proprietor of the patent.
4. The expert designated to use the sample shall be jointly responsible for any violation committed by the person making the request.
5. If the biological material, deposited in accordance with the previous paragraphs, is no-more available from the recognised institution with which it was deposited, it is allowed to make a new deposit of the material under the conditions laid down in this article.
6. Any new deposit shall be accompanied by a statement signed by the depositor certifying that the newly deposited biological material is the same as that originally deposited.

Art. 18
(Unity of invention)

1. Any application shall claim a single invention or a group of inventions which are so linked to each other as to form a single general inventive concept.
2. If several inventions are claimed in one and the same patent application, the Patents and Trade Marks State Office shall require the applicant, by setting a time limit, to claim only a single invention in that application and to file divisional applications for the other inventions. These divisional applications shall have effect from the date of filing or, if it is the case, the date of priority of the original application.

3. The appeal against this decision suspends the time limit prescribed by the Patents and Trade Marks State Office.
4. The applicant may, on his own initiative, divide a pending patent application into two or more divisional applications until the Patents and Trade Marks State Office decides to grant him the patent.
5. The content of divisional applications shall not extend beyond the content of the earlier application as filed.
6. Priority documents and any translation required, being filed with the Patents and Trade Marks State Office and concerning the earlier application, are considered to be filed for every divisional application.
7. If, under art. 25 below, the patent which has already been granted lacks unity, it can be divided in compliance with the provisions of this Single Text.
8. For every divisional patent application the applicant shall pay the fees due.

Art. 19

(Examination on filing)

1. When the patent application is filed, the Patents and Trade Marks State Office formally examines the documents forming the application and accords the date of filing if at least the following documents have been filed:
 - a) a San Marino patent application for an invention;
 - b) sufficient information identifying the applicant;
 - c) a description of the invention.
2. If the Patents and Trade Marks State Office notes on the date of filing of the patent application that the provisions under paragraph 1 have not been satisfied, it shall invite the applicant, if available, to meet the provisions of this Single Text. If the applicant satisfies the requirements, the date of filing shall be the date on which the missing documents are filed. If the deficiencies are not remedied in due time, the application shall be deemed not to be received.
3. If the description of the patent application contains references to drawings, the Patents and Trade Marks State Office shall invite the applicant to file the missing drawings. If the applicant satisfies the requirement, the date of filing shall be the date on which the missing drawings are received. If they are not filed, the date of filing will be the date on which the description is received and any reference to drawings will be deleted.
4. If the date of filing is accorded, the Patents and Trade Marks State Office shall inform the applicant about it in writing or it shall notify it.

Art. 20

(Amendment, correction and withdrawal of the application)

1. The applicant is entitled, in sufficient time during the examination procedure, even after the publication of the application referred to in article 21, but in any case before the Patents and Trade Marks State Office has decided whether or not to grant the patent, to correct, integrate, also by adding new examples, or to abbreviate the description, the claims and the drawings originally filed, through a marginal note in the description or corrections to the drawings, signed by the applicant or his representative.
2. The Patents and Trade Marks State Office shall keep all the documents concerning the original application, indicate the date on which the amendments were filed and adopt any further measure to inform the public about the amendments and the date on which they were made.
3. Amendments, integrations or corrections cannot extend the technical content of the description beyond the content described in the application as filed. For this purpose, the technical

content may be extended if a person skilled in the art cannot objectively derive the added technical information from the application as filed.

4. The applicant may withdraw his application at any time, provided that his request is received by the Patents and Trade Marks State Office and in due time during the examination procedure, or in any case before the Patents and Trade Marks State Office has decided whether or not to grant the patent. If this is the case, the documents accompanying the application must be kept secret and they shall not be disclosed to the public.

Art. 21

(Publication of the application and provisional protection)

1. With the exception of the following paragraphs 4 and 5 of this article, the Patents and Trade Marks State Office publishes any application filed in the due forms and as soon as possible after the expiry of a period of eighteen months from the date of filing or, if priority has been claimed, from the date of priority.

2. The files containing the description and the drawings of each patent application, printed or reproduced by using other suitable means, shall be sold by the Patents and Trade Marks State Office. The documentation associated with the patent applications, which is not secret, is made available to the public and can be inspected at the Patents and Trade Marks State Office from the date on which the applications were filed.

3. These files are sent free of charge, in exchange, to the Industrial Property Offices of the States applying for them.

4. Applications are not published if they have been withdrawn or finally refused before the termination of the technical preparations for the publication.

5. If the applicant submits a written request to make the application be published before the expiry of the period of eighteen months referred to in paragraph 1 of this article, the Patents and Trade Marks State Office will publish the application as soon as possible after receiving this request.

6. After the publication of the patent application any person may obtain inspection of the files relating to the application.

7. The patent application confers, from the date of its publication, upon the applicant the same rights as would be conferred by a patent. Towards the persons to whom the application containing the description and any drawings has been notified by the applicant, the patent application shall confer on the applicant, from the date of notification, the same rights as would be conferred by the patent. The patent application shall be deemed never to have had effect when it has subsequently been withdrawn or the grant of the patent has been refused.

Art. 22

(Search reports and observations by third parties)

1. Following the publication of the patent application, any person may present observations concerning the patentability of the invention in respect of which the application has been filed. Such observations must be filed in writing and must include a statement of the grounds on which they are based. In this case, they are enclosed with the file of the patent application. The third parties shall not become parties to the proceedings before the Patents and Trade Marks State Office. Any third party may request that his name is not disclosed. If this is the case, any reference to the third party shall be excluded from the documentation available to the public.

2. Search reports, drawn up by authorities and bodies conducting search activities, for patent applications which correspond to San Marino patent applications are attached to the file of the patent application.

3. Observations and search reports referred to in paragraphs 1 and 2 shall be communicated to the applicant or proprietor who may comment on them.
4. The Patents and Trade Marks State Office may invite the applicant to present a written statement in order to comment on the search reports and observations referred to in the precedent paragraphs and any other communication on the state of the art, which have been produced during the examination procedure and may represent grounds to call into question the patentability of the invention which is the subject matter of the patent application.
5. The applicant may request, by paying the fees due, that search activities are conducted by any national or international authority or organisation, either public or private, which has concluded an agreement with the Patents and Trade Marks State Office, in order to determine whether or not the invention claimed in the application meets the patentability criteria laid down in this Single Text. This request may be submitted at any time, until the date on which it is decided whether or not to grant the patent. In this case, the Patents and Trade Marks State Office may require the applicant to produce a translation of the claims and/or the whole description into an other language, where applicable, and to supply it to the searching authority.
6. The procedure up to grant shall be interrupted by the Patents and Trade Marks State Office until the search report is drawn up.
7. The Director of the Patents and Trade Marks State Office shall publish the information concerning any offices or organizations which have concluded an agreement to conduct novelty search for San Marino patent applications, the prescribed fees and the procedures to follow.

Art. 23

(Examination of the application and findings)

1. The examination of the application shall be aimed at ascertaining whether the invention meets the requirements of this Single Text. Firstly, it shall be aimed at recognising the formal correctness of the patent application and shall not concern itself with the technical or economic value of the invention.
2. The Patents and Trade Marks State Office shall examine whether the invention satisfies the requirements laid down in articles 1 and 2, paragraphs 2 and 5, and articles 10, 11, 12, 13, 14, 15, 16 and 18 above. However, the Patents and Trade Marks State Office does not examine the conformity of the application with the requirements of articles 3, 4 and 5 above.
3. To apply paragraph 2 above, the Patents and Trade Marks State Office may use search reports or preliminary examination reports drawn up by another authority, in particular searching and/or examining authorities under the Patent Cooperation Treaty (PCT).
4. The Patents and Trade Marks State Office shall not examine the application before the patent application is published. On request of the applicant, the examination procedure may be accelerated, in accordance with the resources that are available to the Patents and Trade Marks State Office, in order to conclude as soon as possible the examination. If it is requested to accelerate the examination procedure before one of the reports referred to in paragraph 3 above is drawn up, the applicant shall provide this report to the Patents and Trade Marks State Office.
5. The applicant shall provide, on request of the Patents and Trade Marks State Office, a copy of any communication received concerning the results of search activities or examinations related to a patent application or another title of protection filed by the applicant abroad, concerning the same or substantially the same invention claimed in the application filed with the Patents and Trade Marks State Office.
6. Except for the provisions referred to in paragraphs 1 and 2 above, if the Patents and Trade Marks State Office notices that the application does not satisfy any requirements of this Single Text, the findings upon which the examination is based must be communicated in writing to the person concerned. Moreover, the applicant shall be invited to file his observations within a period to be fixed, which can be extended upon reasoned request, under this Single Text. If the applicant fails to

reply in due time to the remarks and comments of the Patents and Trade Marks State Office, the application shall be deemed to be refused.

Art. 24

(Grant of patent or rejection of patent application)

1. If the Patents and Trade Marks State Office should ascertain that the requirements set out by this Single Text are met, it shall grant the patent after payment of relevant fees. Otherwise it shall reject the application. When granting the patent, the Patents and Trade Marks State Office shall:
 - a) publish in the Official Bulletin a reference to the patent grant;
 - b) give the applicant a patent grant certificate and a copy of the patent;
 - c) register the patent in the Patent Register;
 - d) provide the public with copies of the patent upon payment of prescribed fee.
2. If the Patents and Trade Marks Office rejects a patent application or does not to receive it integrally, the applicant shall be notified in writing and he shall have the right of appeal.
3. The patent grant shall not prejudice the exercise of legal actions on the validity of the patent and the rights stemming from the invention.

Art. 25

(Confirmation of patent grant)

1. Notwithstanding the provisions set out in articles 22, 23, 24 above, the applicant or patent owner or exclusive licence holder shall submit to the Patents and Trade Marks Office, within a nine-year period after the filing date of the application, written evidence proving that the invention meets the patentability requirements set out at articles 1 to 5 above, otherwise the patent shall lapse at the end of the ninth year.
2. In particular, any patent granted for the same invention by the European Patents Office or other organization or authority acting as an international authority in accordance to PCT, after an examination based upon the same patentability criteria, as those provided for at articles 1 to 5 above or corresponding to them, shall be considered evidence thereof.
3. The protection scope granted by a San Marino patent cannot exceed the scope granted by any other foreign patent compliant with previous sub-paragraph. The description, claims and drawings shall be amended to make them compliant with such evidence.
4. The Director of the Patents and Trade Marks State Office shall publish the information on offices and organizations and relevant evidence, which is acceptable to the State Patents and Trade Mark Office, for the purposes described in this article.

Art. 26

(Publication of the patent)

1. The Patents and Trade Marks State Office shall publish in the Official Bulletin notices about granted patents and confirmed patents.
2. After patent grant, the description and drawings shall be made available to the public. In the notice in the Official Bulletin the inventor's name and other facts regarding the patent owner shall be included, besides all the other information describing the contained patent.
3. A copy of the description disclosing the invention in the same form, which the patent has been granted for, shall be attached to the patent certificates.
4. The Patents and Trade Marks State Office may publish the patent file, or its reproduction, by using suitable means, for the purpose of divulgation, distribution or sale.

Art. 27
(Patent Register)

1. The Patents and Trade Marks State Office shall keep a Patent Register, which shall contain, with respect to each application approved, patent granted or confirmed, at least the following information:
 - a) reference number of the patent application;
 - b) filing date of the application;
 - c) applicant's surname, given name, residence or domicile, or, if the applicant is a company, organization or legal entity, name and legal address;
 - d) inventor's or inventors' surname and given name;
 - e) title of the invention;
 - f) details of previous filings abroad, if the priority is claimed, including date, applicant's name and patent number, if the patent has been granted.
 - g) details of the case, if the priority is claimed, for provisional protection in exhibitions;
 - h) date of patent grant;
 - i) patent reference number, if different from application reference number.
2. On the same Register and with respect to each patent, fee payments and acts listed in article 93 below shall be recorded.
3. The above mentioned information shall be recorded when it is disclosed, during grant or confirmation procedures and over the entire life of the patent.

Art. 28
(Rights conferred by the patent)

1. The rights stemming from industrial inventions, except for the right to be recognised as the author, are alienable and transmittable.

The right to be recognised as the author may be claimed, after the author's death, by the person designated for this purpose by the author himself. When such designation is lacking, or after the designated person's death, the above mentioned right shall be claimed by the spouse and the descendants up to second degree; in lack thereof or after their death, by parents and other ascendants, and in lack thereof or after their death, by relatives up to fourth degree included.
2. The implementation of a patented invention, in the Republic of San Marino, by any person who is not the patent owner, requires consent of the latter.
3. Implementation of a patented invention means any of the following:
 - a) if the patent has been granted for a product:
 - I) manufacturing, import, sale offer, sale and use of the product or essential parts thereof;
 - II) storage of such product for the purposes of sale offer, sale or use.
 - b) If the patent has been granted for a process or method:
 - I) use of the process or method or essential parts thereof;
 - II) performing of any act described in the previous paragraph a), regarding a product directly obtained by means of a process or method.
4. Besides the power conferred by paragraphs 2 and 3 above, the patent also gives to the patent owner the power to prohibit any third party, unless he gives his consent, from providing or offering, in the Republic of San Marino, to any person who does not have the right to use the patented invention, the means related to an essential element of the invention and necessary to implement such invention on the territory, if the third party knows or it is evident from the circumstances that such means are suitable for that use and designed for it.
5. The provisions contained in paragraph 4 are not applicable, when such means are products which are currently being marketed, unless the third party incites the person, whom he provides them to, to commit prohibited acts described in paragraph 3 above.

6. If the patent regards a process or method, each product identical to that obtained through the patented process is assumed as having been obtained, unless proven otherwise, through the method or process being the subject matter of the patent, alternatively:
 - a) if the product obtained through the process is new;
 - b) if there is substantial probability that the identical product has been manufactured by means of that process and if the patent owner has not succeeded, using reasonable endeavours in determining the process effectively used.
7. When the holder of a patent related to a new industrial method or process provides to others the means to implement the subject matter of the patent, it shall be assumed that he has granted a licence to use that method or process, unless there are opposite agreements.
8. The persons performing the acts described in paragraph 10, letters a) and b) below, are not considered as parts having the right to implement the invention.
9. The patent owner, besides all the rights, remedies or actions at his disposal, has the right, notwithstanding paragraph 10 and article 36 below, to undertake legal actions against any natural person or entity, violating the exclusive right conferred by the patent, performing, without his consent, any act described in paragraph 3 and 4 or performing acts, which make the violation possible.
10. The exclusive rights conferred by a San Marino patent do not cover:
 - a) acts performed in a private context and not for commercial purposes, or as an experiment;
 - b) extemporary preparation by units of medicines in pharmacies upon medical recipe, and the medicines so prepared;
 - c) acts related to articles marketed, in the Republic of San Marino, by the patent owner or with his consent;
 - d) use of items on board of air or terrestrial vehicles or ships of other countries temporarily or accidentally penetrating the airspace, the territory or the waters of the Republic of San Marino.
11. The exclusive rights are conferred with the patent grant. The patent is effective with respect to third parties from the date when the patent application with description and drawings, if any, is made available to the public.
12. The patent for industrial invention, whose implementation implies implementation of inventions protected by previous patents for industrial inventions still in force, cannot be implemented or used, without the respective consent of the patent owners.
13. The same patent owner cannot be granted two San Marino patents for the same invention.

Art. 29

(Rights of prior use)

1. Whoever, in good faith, during the 12 months before the date of filing of the patent application or the date of priority has used in its own business the invention may continue using it freely within the limits of prior.
2. Such permission is transferable only together with the business where the invention is used. Evidence of prior use and its scope shall be provided by the prior user.

Art. 30

(Context of exclusive rights and claim interpretations)

1. The context of exclusive rights conferred by the patent is defined by the scope claims, which shall be interpreted in the light of the description and drawings to combine a fair protection for the patent owner with a reasonable degree of certainty for third parties.
2. For the purpose of determining the protection scope, the elements that are to be considered equivalent to the elements referred to in the claims shall be taken into account.

3. In determining the protection scope, any statement clearly limiting the scope of claims by the applicant or the patent owner, during the procedures of patent grant or on the patent validity, shall be properly taken into account.
4. If the patent contains examples of implementation, functions or results of the invention, claims shall not be interpreted as being limited only to those examples.
5. In the period up to the grant of the patent, the scope of protection conferred by the patent application, is determined by the claims as published in the patent application according to article 21 above. However, the patent in the form granted or amended during the procedures of confirmation according to article 25 above, modification according to article 31 below, limitation according to article 32 below or cancellation according to article 35 below, retroactively determines the protection conferred by the patent application, as long as in so doing the protection scope is not extended.
6. The protection granted by a patent regarding a biological material possessing, as a result of the invention, specific properties covers all biological materials derived from it through reproduction or multiplication in identical or differentiated form and possessing the same properties.
7. The protection granted by a patent related to a process enabling to produce a biological material possessing, as a result of the invention, specific properties covers the biological material directly obtained through that process and any other biological material derived from the biological material directly obtained through the reproduction or multiplication in identical or differentiated form and possessing the same properties.
8. With the exception of article 2, paragraph 5, letter d) the protection granted by a patent to a product containing or consisting of genetic information covers any material in which the product is incorporated and the genetic information is contained and performs its function.
9. The protection set out in paragraphs 6, 7 and 8 does not cover biological material obtained through the reproduction or multiplication of biological material marketed in the territory of a Member State by the patent proprietor or with his consent, if the reproduction or multiplication necessarily derives from the use, which the biological material has been marketed for, as long as the material obtained is not subsequently used for other reproductions or multiplications.
10. Notwithstanding paragraphs 6, 7 and 8 above, the sale or other form of marketing of reproduction material of vegetal origin, by the patent owner or with his consent, to a farmer for the purpose of agricultural exploitation implies the authorization for the farmer to use the product of the harvest for reproduction or multiplication on his own and within his own business; the context and the ways of this exception correspond to those provided for in article 14 of Regulation (EC) No. 2100/94.
11. Notwithstanding paragraphs 6, 7 and 8, the sale or other form of marketing of livestock or other reproduction material of animal origin, by the patent owner or with his consent, to a farmer implies the authorization for the farmer to use the protected livestock for agricultural use. Such authorization includes the provision of the animal or other reproduction material of animal origin for the continuation of his agricultural activity, but not the sale in the context or for the purpose of commercial reproduction.

Art. 31

(Modifications and amendments to the patent)

1. The patent owner may submit a request to the Patents and Trade Marks Office to amend or make changes to the patent text.
2. No modification shall extend the protection scope conferred by the patent beyond that of initial patent.
3. The patent owner may request the Patents and Trade Marks Office to make modifications or changes to eliminate transcription mistakes made in good faith.

4. If the Patents and Trade Marks Office makes any changes to the patent, such changes shall be published or made available to the public and shall be recorded in the Patent Register.

Art. 32

(Patent lapse and limitation)

1. The patent owner may renounce the patent by notifying the Patents and Trade Marks State Office of the decision, which shall be recorded in the Patent Register.
2. If, in relation to the patent, acts or judgements are recorded granting or ascertaining third parties' property rights on the patent, or judicial acts claiming the grant of the patent or the ascertaining of such rights, the renounce has no effect if not accompanied by the above-mentioned third parties' written consent.
3. The patent may be limited with respect to protection scope following patent owner's application with modified description and drawings attached.
4. If the Patents and Trade Marks State Office accepts the application, the applicant shall pay again the fee for printed publication, if the patent originally granted has already been printed.
5. The limitation application cannot be received if there is a pending judgement for patent nullity and as long as the relevant final decision has not been issued. Nor can it be received lacking the consent of the persons described in sub-paragraph 2 above.
6. The Patents and Trade Marks State Office publishes in the Official Bulletin a notice regarding the patent limitation.

Art. 33

(Duration, annual fees)

1. A patent has a duration of twenty years starting from the date of its filing.
2. The patent cannot be renewed nor can the duration be extended beyond twenty years.
3. An annual fee for maintaining the patent shall be paid to the Patents and Trade Marks Office, by the end of the month when the anniversary of the date of filing occurs, for each year starting from the year when the application is filed. A six-month grace period is granted to pay the annual fee. In this case a late fee is charged.
4. In case of failure to pay the annual fee, expiring the six-month grace period set out in paragraph 3 above to pay late fee, the Patents and Trade Marks State Office notifies to the interested person, that due fee and late fee have not been paid within due terms and records that in the Patent Register, with a special notice stating that the patent lapsed because of failure to pay the annual fee. This notice of lapse shall be subsequently published in the Official Bulletin.
5. The patent owner, if able to prove that the payment was actually carried out in due time, may request, appealing according to the provisions set out by this Single Text, within three months from the date of publication in the Official Bulletin, the cancellation of the above-mentioned notice of lapse and the correction of the publication.
6. The patent shall be considered lapsed, with respect to everyone, after the end of the last year for which the fee was paid.

Art. 34

(Lapse)

1. The patent lapses:
 - a) at the end of the term set out in article 33, paragraph 1 above
 - b) if the proprietor has renounced the patent, at the date when such renounce becomes effective;

- c) following failure to pay by the deadline the annual fee due according to article 33, paragraph 3 above. In this case the following provisions of paragraph 4, 5 and 6 of the article 33 shall be observed;
 - d) in case the invention is not implemented within two years after the issue of the compulsory licence described in article 36 below; to the extent that the protection scope has been limited according to articles 25, 31 and 32 and on the date when such limitation is published in the Patent Register for the part of patent not maintained.
2. The Patents and Trade Marks State Office shall record in the Patent Register the reasons for patent lapse.

Art. 35
(Nullity of patent)

1. The Patent is null and void:
 - a) if the subject matter of the patent is not patentable according to article 1 to 6 above;
 - b) if the application does not meet the provisions contained in article 12, paragraph 1 above;
 - c) if the subject matter of the patent extends beyond the content of initial application or, if the patent is issued on the basis of a divisional application, beyond the content of the initial application, which the divisional application derived from;
 - d) if the protection scope conferred by the patent has been extended after the grant described in article 24 above.
 - e) if the patent proprietor is not entitled to it according to articles 6 and 7 above.
2. The judiciary of the Republic of San Marino, upon request by third parties, may annul a patent entirely or partially. The nullity request may be submitted to the judiciary even after the patent expiry date.
3. If the reasons for nullity affect only partially the patent, the relevant decision of partial nullity entails a corresponding limitation of the patent itself.
4. The declaration of nullity is retroactive, but does not prejudice:
 - a) already-effected execution acts following final conviction for counterfeiting;
 - b) contracts having the invention as a subject matter, ended prior to final judgement declaring nullity, to the extent that they have already been executed. In this case, however, the judge, considering the circumstances, may decide for a fair reimbursement of the amounts already paid in execution of the contract.
5. The effects of patent described in article 21, paragraphs 7 and 28 above lapse retroactively for that part of patent, which has been declared null and void.
6. When the declaration of nullity pronounced by the judiciary becomes final, it shall be published in the Patent Register and the amendments, if any, made to the patent, shall be published by the Patents and Trade Marks State Office.

Art. 36
(Compulsory licence)

1. Upon request by any person demonstrating his capability to implement the invention patented in the Republic of San Marino, filed with the Patents and Trade Marks State Office, the Patents and Trade Marks State Office may grant a compulsory licence if:
 - a) after the end of a four-year period from the date of filing of the application or three years after the patent grant, the latest to expire being applied, the patented invention has not been implemented or has not been implemented enough in the Republic of San Marino;
 - b) if the implementation of the invention has been, for more than three years, suspended or reduced to such an extent that it results in a serious disproportion with the needs of the Republic of San Marino;

- c) if the invention protected by an Italian or San Marino patent cannot be used without prejudice of the rights related to a San Marino patent granted on the basis of a previous application. In such a case the licence may be granted to the holder of the latest patent to the extent necessary to exploit the invention, as long as it is a remarkable technical breakthrough in comparison with the subject matter of the previous patent. If the two inventions have the same industrial purpose, the compulsory licence is granted only reserving the right to grant a licence for the latest patent in favour of the holder of the previous patent, if he submits a request for such a reserve to be applied.
2. Notwithstanding paragraph 1 above, the compulsory licence shall not be granted if the patent owner demonstrates to the Patents and Trade Marks State Office that there are circumstances, independent from the will of the patent owner or the representative, justifying the failure to implement or the insufficient implementation of the invention patented in the Republic of San Marino and if the applicant does not demonstrate that he has tried to obtain the authorization from the legitimate proprietor on favourable commercial terms and conditions and that his attempts have been unsuccessful for a reasonable period of time.
3. The reasons independent from the will of the patent owner or his representative do not include lack of financial means and, if the product is widespread abroad, lack of demand by the domestic market for the patented product or the product obtained through the patented process.
4. The implementation of the invention patented in Italy to an adequate extent to satisfy the needs of the Republic of San Marino is to be considered sufficient reason not to grant a compulsory licence.
5. The beneficiary of a compulsory licence shall have the right to implement the invention patented according to the terms specified in the decision to grant the licence, shall begin the implementation of the patented invention within the period set out in that decision and, subsequently, shall adequately implement the patented invention, after payment of a proper compensation, indicated in the decision, to the patent proprietor.
6. The grant of a compulsory licence does not exclude the grant of licence agreements by the patent owner or the grant of other compulsory licences.
7. The compulsory licence may be granted to a licence holder, implementing the invention in Italy, as long as in so doing satisfies the needs of the Republic of San Marino, respecting the rights of Italian patents, if any, having the same invention as a subject matter.
8. The compulsory licence is revoked if the circumstances, which led to its grant, cease to exist permanently and after considering the interests of the patent proprietor and the licence holder. The permanence of such circumstances shall be reviewed upon request by the patent owner.
9. The compulsory licence cannot be granted to the counterfeiter of the invention.
10. The compulsory licence is granted for a duration not exceeding the remaining duration of the patent and, unless the patent owner or the representative give their consent, may be transferred only with the licence holder's business or with the specific branch of the business where the licence is used.
11. The grant of a compulsory licence does not prejudice the exercise by the licence holder, as well as others, of any legal action regarding the validity of the patent and the rights stemming from it.
12. The grant of a compulsory licence does not exempt the patent owner or the representative to it from the obligation to implement the invention.
13. The patent lapses if the invention has not been implemented within two years from the grant of the first compulsory licence or it has been implemented to such an extent that it results in a serious disproportion with the needs of the country.
14. Those, who wish to obtain a compulsory licence, shall make a motivated request at the Patents and Trade Marks State Office, indicating the extent and the methods of payment of the offered fee. The Patents and Trade Marks State Office immediately notifies the patent owner and

those who have acquired any rights on the patent on the basis of recorded acts, of the application via registered mail (return receipt requested).

15. Within sixty days after the receipt of the registered letter, the patent owner and all those who are entitled to that on the basis of recorded acts, may oppose the application, or state that they do not accept the extent or the methods of payment of the fee. The opposition shall be motivated.

16. The Patents and Trade Marks State Office immediately notifies of the opposition provided for in paragraph 15 above and the reasons for it, via registered mail (return receipt requested).

17. Within sixty days after the registered letter was received, the applicant shall deliver to the Patents and Trade Marks State Office his considerations.

18. The licence shall be granted or rejected following a procedure carried out by the Patents and Trade Marks State Office.

19. In the process of licence grant, duration, implementation methods and guarantees are determined with other conditions, if any, which the grant is subordinated to.

20. The Patents and Trade Marks State Office may decide that prerequisites and conditions for the licence shall be changed upon request by interested parties and if there are valid reasons to do so.

21. As far as the modification of the fee is concerned, paragraph 3, article 110 is applied.

22. The licence is revoked by decision of the Patents and Trade Marks State Office, if the conditions set out for the implementation of the invention have not been met or the licence holder has not paid the fee to the extent and by the methods prescribed. In case the patent owner or the representative who has been granted a compulsory licence, authorizes the use of the same patent at more favourable conditions than those set out for the compulsory licence, the same conditions shall be extended to the compulsory licence upon request by the licence holder.

23. The decision to grant a licence, change relevant conditions, revoke it and determine and change the fee shall be published in the Official Bulletin and recorded in the Patent Register.

Art. 37

(Interference of rights deriving from San Marino and Italian patents)

In application of article 43 of the Convention on Friendship and Good Neighbourhood between San Marino and Italy of 31 March 1939, the following provisions shall be applied:

1. If the same invention is contemporarily protected by Italian and San Marino patent applications or patents, equally valid and having the same applicant, holder or representative:

- a) the implementation of the invention by third parties in the Republic of San Marino, but not in Italy, shall be considered counterfeiting or usurpation of the San Marino application or patent, but not of the Italian application or patent, and the applicant, holder or representative may undertake legal actions against counterfeiters or usurpers in San Marino;
- b) the application of the invention by third parties in Italy, but not in San Marino, shall be considered counterfeiting or usurpation of the Italian application or patent, but not of the San Marino application or patent, and the applicant, holder or representative may undertake legal actions against counterfeiters or usurpers in Italy.

2. If an invention is protected by an Italian patent application or patent, but not by a San Marino application or patent, the implementation by third parties of the invention on the territory of the Republic of San Marino shall be considered counterfeiting or usurpation of the Italian protection title, and the holder or representative may undertake legal actions according to the provisions of this Single Text.

3. If an invention is protected by a San Marino patent application or patent, the implementation by third parties of the invention in Italy shall be considered counterfeiting or usurpation of the San Marino protection title and actions may be undertaken according to the provisions of the Italian laws.

4. If for the same invention there are contemporarily an Italian patent application or patent and a San Marino patent application or patent, both with the same date of filing or, if applicable, the same date of priority, and they are not lapsed and have different applicants, holders or persons entitled, not related to each other by any legal or economical bond:

- a) the implementation, only in the Republic of San Marino, but not in Italy, by the holder himself or a successor in title, of the invention which is the subject matter of the San Marino patent application or patent shall not be considered counterfeiting or usurpation of the San Marino patent application or patent;
- b) and the implementation, only in Italy, by the holder himself or a successor in title, of the invention, which is the subject matter of the Italian patent application or patent, shall not be considered counterfeiting or usurpation of the San Marino patent application or patent.

TITLE V

GENERAL PROVISIONS

Article 88

(Provisions concerning application for a title of protection)

1. The application for a patent concerning an industrial invention, for registration of an industrial design and model or for a trademark or collective mark, may be filed by both San Marino citizens and foreigners, be they individuals, companies, associations or moral entities, or collectively by more than one individual.
2. If the application is filed by a company, association or moral entity, it shall indicate the trade name and registered office of the company or entity.
3. The application for a patent concerning an invention, for registration of an industrial design and model or for a trademark or collective mark shall be filed by the author or his successor in title or by his representative.

Article 89

(Re-establishment of rights)

1. The applicant for or proprietor of a patent-right who, despite all due care required having been taken, was unable to observe a time limit, under the law or this Single Text or fixed by the Patents and Trade Marks State Office, vis-à-vis the Patents and Trade Marks State Office itself shall have his rights re-established if the non-observance in question has the direct consequence of causing the refusal of an application for a patent, for registration of an industrial mark, model or design, or of a request relative thereto or the lapse of the patent or the loss of any right or means of appeal.
2. The application for re-establishment must be filed by the successor in title within two months from receipt of a notice by the Patents and Trade Marks State Office informing the person entitled to it of the unobserved time limit. The application shall only be admissible within six months following the expiry of the unobserved time limit. The application shall be considered valid only upon payment of the prescribed fee.
3. The acceptance of the application shall nullify the legal consequences of the unobserved time limit, or lead to their revocation if, in the meantime, these legal consequences have taken effect.
4. The provisions of this Article shall not be applicable:
 - a) to the time limits indicated in paragraph 2 above;
 - b) to the time limit within which priority rights may be claimed;

- c) to the time limit granted for the division of patent applications and the filing of a divisional application, and;
 - d) to the time limits indicated in Articles 33, 54 and 76 above concerning the payment of maintenance and renewal fees.
5. Any person who has made serious and effective preparations for using an invention of has begun using it in the course of the period between the loss of the exclusive rights or of the right to acquire exclusivity and the re-establishment provided for by this Article may, without payment, carry out the invention within the limits of his prior use or those resulting from the preparations.

Article 90

(Language of the procedure)

1. Applications, and the documents provided for in this Single Text, must be written in Italian, as well as the documents attached to them. Any documents written in a language other than Italian must be accompanied by an Italian translation. In case of a patent application filed, under Article 10 above, in a language other than Italian, the Italian translation may be filed within one month since the date of filing, without prejudice to the submission, on the date of filing of the documents, in the Italian language, provided for in Article 10, paragraph 2.
2. If not otherwise provided for in this Single Text, the successor in title shall certify correspondence of the Italian translation with the original text.

Article 91

(Patent application procedure)

1. Applications and the relevant documents may be transmitted postal service, or equivalent service, in a registered cover with acknowledgement of receipt, addressed to the Patents and Trade Marks State Office. In this case, the date of receipt by the above-mentioned Patents and Trade Marks Office shall be considered as the date of filing.
2. Applications and the relevant documents may be transmitted by fax, in conformity with the provisions set forth in Article 98 hereunder.

Article 92

(Representation)

1. If the applicant's normal place of residence or principal place of business is outside the Republic of San Marino, the applicant must be represented by a representative authorised to practice before the Patents and Trade Marks State Office.
2. The applicant, or his representative, if any, shall in each application indicate or elect a domicile in the Republic of San Marino for any communications or notices to be sent to him under this Single Text.
3. If the appointment of one or several representatives has not been made in a separate, authentic or authenticated act, it may be made in a special power of attorney, to be signed by the applicant and countersigned by the representative. The power of attorney shall be considered a private agreement. The power conferred by the power of attorney shall be valid only for the subject matter specified in it and shall be limited to relations with the Patents and Trade Marks State Office.
4. A representative who has submitted a general power of attorney may refer to it in any subsequent patent application made in the name of the same representative.
5. No applicant residing in San Marino shall be represented by a representative authorised to practice before the Patents and Trade Marks State Office; San Marino individuals and juridical persons may act through one of their employees, although not authorised thereto.

6. The power may be conferred only on representatives whose names appear on a list maintained for this purpose by the Patents and Trade Marks State Office. The power may also be conferred upon a lawyer or an attorney-at-law whose name appears in the respective professional roll.

Article 93

(Recording of documents)

1. The following documents shall be made public by means of being recorded in the Patents and Trade Marks State Office, without prejudice, in any case, to the provisions set forth in the preceding Article 74:

- a) *inter vivos* deeds, with or without consideration, which cover assignments, in whole or in part, of rights in San Marino patents;
- b) *inter vivos* deeds, with or without consideration, which establish, modify or transfer rights of employment, *in personam* or *in rem*, or rights of security established in the aforesaid patents in accordance with Article 94, paragraph 10 hereunder;
- c) deeds of division, corporate documents, settlements and surrenders, relative to the rights conferred to at the two preceding letters;
- d) bills of attachment;
- e) official reports on awards following forced sales;
- f) official reports on suspensions of sales of portions of attached patents which are to be returned to the debtor in accordance with the law;
- g) court decisions which declare the existence of the documents listed under letters a), b) and c) above, when such deeds have not been recorded already;
- h) court decisions pronouncing the nullity, invalidation, termination, rescission or revocation of a recorded document shall be entered in the margin of the record of the document to which such decisions refer;
- i) petitions addressed to the court in order to obtain the decisions provided for in this Article may also be recorded. In this case, the recording of the decision shall take effect from the date on which the petition was recorded;
- j) testaments and any documents which prove legitimate succession as well as any court decisions relative thereto;
- k) the decisions pronouncing the nullity of patents and the relevant demands filed with the courts.

2. Recordings shall be subject to payment of the prescribed fee.

Article 94

(Recording procedure)

1. To obtain the recording of a document concerning a patent in the relevant Register maintained by the Patents and Trade Marks State Office, the person requesting it shall file a specific application made out in two copies. Applications must be filed with the Patents and Trade Marks State Office, accompanied by an authenticated copy of the public document or by the original or an authenticated copy of the authenticated private document. Where authentication is not possible, the Patents and Trade Marks State Office may authorize the recording of an unauthenticated private document be. It shall contain:

- a) the surname, given name and domicile of the applicant and of his representative, if any;
- b) the surname and given name of the proprietor of the patent, as well as the indication of the number and date of the patent;
- c) the date and nature of the patent to be recorded and, in case of a public document, the indication of the notary who has received it;

- d) the indication of the object of the document to be recorded.
2. The request for recording provided for in Article 93 shall be accompanied by:
- a) the legal document to be recorded;
 - b) the document proving payment of the prescribed fee in the form provided for in this Single Text;
 - c) if the document is in a language other than Italian, it shall be accompanied by an authenticated translation into Italian.
3. If there is a representative, it should also be accompanied by the power of attorney in due form.
4. If the Patents and Trade Marks State Office rejects the application, the applicant may file an appeal.
5. Recordings shall be effected in the chronological order in which applications are filed.
6. Omissions or inaccuracies shall not affect the validity of a recording, provided that they do not create total uncertainty about the document to be recorded, or about the patent referred to in it.
7. The documents and court decisions referred to in the preceding paragraphs, except testaments and the documents and court decisions referred to in letters d), j) and k) of Article 93 above, shall, as long as they have not been recorded, not be effective against third parties who have in any way acquired and lawfully maintained rights in the patent.
8. Where several persons acquired the same right from the same patent owner, the person who first recorded his title of acquisition shall enjoy priority.
9. Recordings of bills of attachment shall, as long as the attachment is in force, suspend the effects of later recordings of the aforesaid documents and court decisions; the effects of such recordings shall become void after the award has been recorded, provided that such recordings take place within three months from the date of the award.
10. Testaments and the documents which prove legitimate succession, as well as the court decisions relative thereto, shall be recorded only in order to ensure the continuity of transfers.
11. Rights of security in patents for industrial inventions must be established through cash credits. Any amounts of such credits not expressed in national currency shall, at the time of recording, be converted into the equivalent amount in such currency.
12. Where more than one right of security exists, their rank shall be determined by the order in which such rights were recorded.
13. Recordings of rights of security shall be cancelled upon filing the deed of consent issued by the creditor, whose signature must be authenticated, or when the cancellation was ordered in a court decision which has become final, or after satisfaction of the rights of security.
14. For cancellation, the same fee shall be due as the fee provided for recordings.
15. Decisions and documents received by the Patents and Trade Marks State Office in conformity with this Single Text shall be noted in the relevant Register and the recording shall be published in the Official Bulletin. For each recording of document or decision, the Register shall indicate:
- a) the date of submission of the application, which shall be that of the recording;
 - b) 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 representative;
 - c) the nature of the rights to which the recording refers.
16. The Patents and Trade Marks State 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 Patents and Trade Marks State Office.
17. 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 relevant Register.

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

19. Recordings concerning patents for industrial inventions shall have the nature of actions concerning commercial property.

Article 95

(Execution procedure)

1. Patrimonial rights in patents for industrial inventions may be subject to forced execution. The rules on executions on personal property laid down in the law shall be applicable to such executions.

2. The bill of attachment shall contain:

- a) a declaration of attachment of the patent containing references enabling it to be identified and corresponding to those in the relevant Register;
- b) the date of the act and of its dispatch for enforcement;
- c) the amount for which it is being enforced;
- d) the surnames, given names, domiciles or places of residence of the creditor and debtor;
- e) the surname and given name of the legal officer.

3. 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 the Republic of San Marino, the bill shall be served at the Patents and Trade Marks State 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 Official Bulletin.

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

5. Disputes concerning the forced execution and seizure of patents shall be brought before the competent judicial authority of the Republic of San Marino.

TITLE VI

ADMINISTRATIVE PROVISIONS

Article 96

(Administrative guidelines)

1. The services concerned with the matters regulated by this Single Text shall be rendered by the Patents and Trade Marks State Office.

2. The Director of the Patents and Trade Marks State Office may define some administrative guidelines directed to the employees of the Patents and Trade Marks State Office and to the applicants in order to facilitate and speed up the filing, recording and granting of patents, without prejudice to the provisions provided for in this Single Text.

3. If time limits under this Single Text expire on a holiday, such expiry date shall be postponed until the next business day.

4. The filing of a patent-right with the Patents and Trade Marks State Office shall be recorded by giving a receipt to the interested person.

Art. 97

(Notices sent to the Patents and Trade Marks State Office)

Patent-right applications and notices may be submitted to the Patents and Trade Marks State Office, sending them together with the required copies of the document:

1. by mail or, in case of a patent-right application, by registered mail;
2. by personal delivery;
3. by other equivalent means authorized by the Patents and Trade Marks State Office;
4. by telecopy of an undersigned original, following the procedure set out in article 98 below;
5. by transmission of the content of the notice via electronic means, following the procedure set out in article 99 below.

Art. 98

(Notices via telecopy)

1. The application for filing or registration of a San Marino patent-right filed with the Patents and Trade Marks State Office and any other notice sent via telecopy must be clearly readable.
2. If the document is incomplete and/or partially or entirely unreadable, or if there are reasonable doubts about the transmission precision, the Patents and Trade Marks State Office shall notify the sender, who may try sending the document as many times as necessary to complete it.
3. The Patents and Trade Marks State Office assigns to the document thus received a temporary reception date, i.e. the reception date of the last page of the document. If the original document is received by the Patents and Trade Marks State Office within a month from the reception of the telecopy and complies with the telecopy already received, the Patents and Trade Marks State Office confirms to the applicant or the representative the date of the telecopy as the official date of reception, otherwise the document received by the Patents and Trade Marks State Office is assigned the date of reception of the original.
4. If the original is not sent, the notice shall be considered as not occurred.
5. In any case, the telecopy shall be recorded.
6. The Director of the Patents and Trade Marks State Office may set out additional conditions for notices sent via telecopy, in particular as regards the material to be used, technical data of the notice and methods to indicate the sender.

Art. 99

(Notices via electronic means)

1. The application for filing or registration of a San Marino patent-right filed with the Patents and Trade Marks State Office and any other notice sent via electronic means must be clearly readable.
2. The electronic means of choice must be one of those set out by the Director of the Patents and Trade Marks State Office and must be able to guarantee security and compatibility with reception and reading means of the Patents and Trade Marks State Office.
3. The Patents and Trade Marks State Office assigns to the document thus received a reception date, i.e. the date when the notice is received.
4. The Director of Patents and Trade Marks State Office may set out additional conditions for notices sent via electronic means, in particular as regards the material to be used, technical data of the notice, methods to indicate the sender and types of documents to be excluded from this form of transmission. The Director of Patents and Trade Marks State Office shall set out in the Guidelines whether the electronic means of choice may require sending the original document as confirmation or the electronically-sent document is valid in itself in compliance with the procedures provided for in this Single Text.

Art. 100

(Notices of the Patents and Trade Marks State Office)

1. Every notice, remark or decision sent to the applicant, or his representative, during the procedure with the Patents and Trade Marks State Office, shall be made via registered mail and a deadline for response shall be fixed.
2. The period may vary from a minimum of one month to a maximum of three months with a possible extension of up to six months.
3. The request for extension must be motivated. The Patents and Trade Marks State Office shall not consider the answers received after the deadline of the period granted or the extension to it.
4. If the technical progress allows for security and privacy of telecommunications with the users, the Director of the Patents and Trade Marks State Office may issue guidelines authorizing the exchange of correspondence via electronic means or other means, which might possibly develop in the future, considering the needs for security and privacy of the documents and information exchanged.

Art. 101

(Domicile and changes)

1. The applicant or his representative shall, in each and every application, indicate or fix his own domicile in the Republic of San Marino for all notices and notifications to be made in compliance with this Single Text. Any changes in domicile shall be reported to the Patents and Trade Marks State Office, which shall record them in the respective Register.
2. If there is no indication or fixing of the domicile, or in case the Patents and Trade Marks State Office is notified a termination of the domicile fixed in compliance with previous paragraph, and until it is not notified that a new domicile has been fixed in the Republic of San Marino, the above-mentioned notices and notifications shall be carried out by posting a copy of the document or the notice contained in it on the notice board of the Patents and Trade Marks State Office.
3. Any changes in the representative's domicile shall be reported to the Patents and Trade Marks State Office, which shall record them in the Roll of San Marino Representatives.
4. Any changes in the name of the holder of the patent or registration of trademark, design or industrial model shall be reported to the Patents and Trade Marks State Office, with justifying documents, to be recorded in the relevant Register.
5. The indication of domicile recorded in the respective Register shall be considered as fixing the domicile for the purpose of determination of competence and any administrative and judicial notification.

Art. 102

(Publications)

1. The Patents and Trade Marks State Office shall maintain separate registers for patents, industrial models and designs, and trademarks.
2. The Patents and Trade Marks State Office shall carry out all the publications provided for in the present law in a special section of the Official Bulletin.
3. The Register of Patents, the Register of Trademarks and the Register of Industrial Models and Designs, besides applications and relevant documents, are open to the public. The Patents and Trade Marks State Office makes available to the public a copy of the document filed during the procedures to be consulted free of charge.
4. Except where otherwise set out in this Single Text, anyone may inspect and obtain, by certificate or extract, notices of both registrations, transcriptions and remarks contained in the registers, as well as a copy of the applications and relevant documents, such as tables with graphic

reproduction of the models, or products, or samples of such products, and the descriptions (if any) attached to the files. The Director of the Patents and Trade Marks State Office may authorize the extract of a copy of the applications, descriptions and drawings, as well as other documents available to the public upon request.

5. Such certificates or extracts, as well as authentication of copies of acts and documents, shall be subject to the payment of prescribed fees or inspection fees.

6. The public may also consult, in the same way and after payment of the inspection fees to the Patents and Trade Marks State Office, documents related to foreign certificates, attached to the applications, where the priority is claimed for filings carried out abroad, and other priorities.

7. Copies and extracts of the various Registers and certificates related to notices to be extracted from other registers, as well as duplicates of the originals of the documents related to patents, trademarks, industrial models and designs, shall be made only by the Patents and Trade Marks State Office upon request.

8. Fees for copying and photographic reproduction, to be carried out by the Patents and Trade Marks State Office and fees for services offered to the public, shall be determined, in the same way, by the Director of the Patents and Trade Marks State Office.

9. Publications provided for in this decree shall be made on the Official Bulletin, published by the Patents and Trade Marks State Office.

10. Filed and granted patents shall be published in the Official Bulletin. In the same Bulletin notices regarding internationally registered trademarks may also be published, recalling the issues of the Geneva World Intellectual Property Organization Bulletin “Les Marques Internationales”, containing the indications regarding such marks, as soon as the issues are received.

11. The publication shall contain the main indications included in the patent-rights and recording applications respectively.

12. The Director of the Patents and Trade Marks State Office can also make public in the Official Bulletin the analytic and class indexes of respective classifications of requested and/or granted patent-rights, the alphabetic indexes of the holders of granted patent-rights, and description summaries and occurred recordings (if any).

13. The same provisions regarding free distribution to the Industrial Property Offices of other States also apply to the above-mentioned Bulletin.

14. The Director of the Patents and Trade Marks State Office may decide to carry out the publication in any other way, such as via electronic means, depending on the possibilities offered by technical progress. The Director of the Patents and Trade Marks State Office can determine which information and personal data, besides those set out in this Single Text, are to be included in the publication of the Registers and the Official Bulletin, depending on the interest of the public.

Art. 103

(Forms)

1. The Director of the Patents and Trade Marks State Office can establish, by his own decision, the forms, in compliance with which the applications and other documents shall be made, regarding patent-rights registered or granted by the Patents and Trade Marks State Office, and if they may be distributed or filed via electronic means.

2. In case of applications or other documents not compliant with the forms described in the previous paragraph, the interested persons are bound to make the necessary integrations and specifications to such applications and documents.

TITOLO VII

FEES

Art. 104

(Fees for patent of invention)

1. The patent for industrial invention is subject to the following fees:
 - a) application fee, including renewal fee for the first three years and fee for print publication of the patent application file;
 - b) additional fee for publication of files exceeding twenty pages;
 - c) annual renewal fee, from the fourth year after the date of filing;
 - d) recording fee;
 - e) research fee, if requested by the applicant.
2. Application and publication fees must be paid upon filing of the application. In case of withdrawal of the application, before it is published, half of the sum paid for publication shall be reimbursed.

Art. 105

(Fees for industrial model and design)

1. The registration of industrial models and designs is subject to the following fees:
 - a) application fee, including registration fee for the first five years, and fee for print publication of design or model;
 - b) five-year renewal fee, starting from second five-year period;
 - c) recording fee.
2. In case of rejection or withdrawal of the application, before it is published, amounts already paid shall be reimbursed, except for the application fee, which shall not be reimbursed.

Art. 106

(Fees for trademarks)

1. The registration of trademarks and collective trademarks is subject to the following fees:
 - a) application and first registration fee, including first registration fee, allowing designation of up to three classes, and trademark print publication fee;
 - b) a fee for each additional class of the classification set out in article 1 of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, revised and amended;
 - c) renewal fee starting from the second decade, to be quantified according to the classes set out under previous letter;
 - d) recording fee.
2. For the trademark international registration, besides the fees set out by International Conventions, the San Marino application fee must be paid. Fees for actions (if any) performed by the Patents and Trade Marks State Office in the framework of the trademark international registration procedure may be introduced.
3. The application fee and the first registration fee must be paid upon filing of the application.
4. The renewal fee shall be paid before the filing of the relevant renewal fee.
5. In case of rejection or withdrawal of the application, fees already paid shall not be reimbursed.

Art. 107
(Methods of payment)

1. The Director of the Patents and Trade Marks State Office make public the information related to postal or bank accounts on which payments can be made and the methods of payments accepted.
2. On the occasion of each payment the reason for deposit shall be indicated, specifying the number of patent or application or registration, the holder and the year for which the deposit is being made, if a deposit by years is being made, all this followed by sender's signature and domicile.
3. If the indications provided with the payment do not allow to associate the payment to a given patent application or patent, a registration application or registration, the payment shall be considered as not occurred and the amount shall be reimbursed to the payer, as long as his name is known or recognisable.
4. The reimbursement of paid fees, in the cases provided for by the provisions of laws or regulations, shall be made upon request by the person entitled to it. Reimbursements shall in no case refer to the filing fee or the patent-right fee, which shall not be reimbursed.
5. Deposits carried out through postal current accounts or bank operations take the date:
 - a) of the day of deposit, if the amount due was handed directly to the post offices or banks;
 - b) of the day when the drawing current account is credited the amount due, if a postal giro or a money transfer has been made, drawn from another postal or bank account.
6. The Director of the Patents and Trade Marks State Office can authorize other methods of payment, should he deem them proper.

Art. 108
(Proof of payment)

1. The application aiming at obtaining a decision, for which the payment of a fee is prescribed, is not receivable if it is not accompanied by the document proving that the payment has been actually carried out.
2. The sender must make sure that receipts or copies of receipts proving the payment, whatever the means used, are sent to the Patents and Trade Marks State Office via registered mail or by equivalent means or personally handed to the Patents and Trade Marks State Office.
3. The payments may also be carried out by a person, who is not the patent-right holder.

Art. 109
(Error in payment)

1. If, by evident error, or by other excusable reasons, a fee among those considered in previous articles is paid not completely or, however, irregularly, the Patents and Trade Marks State Office, upon request by the interested person, may authorize as useful integration or regularization, even if late, not exceeding, however, one year after the last deadline for payment, through the payment of a late fee, otherwise the payment shall be considered as not carried out.
2. The applications for late integration or regularization of fees paid not completely or, however, irregularly by evident error, or other excusable reasons, may be filed with the Patents and Trade Marks State Office or may be sent directly via registered mail or equivalent means to said Office.
3. If the Patents and Trade Marks State Office rejects the request, the interested person has the right of appeal.

Art. 110

(Reduction of and exemption from patent fees)

1. If no exclusive licence has been recorded, the applicant or patent owner may offer to the public, in the application or by written notice to be received by the Patents and Trade Marks State Office, a licence for non-exclusive use of the invention.
2. The licence shall be effective starting from the date of notification to the holder of the offer acceptance, even if the compensation has not been accepted. In the last case a board of arbitrators, composed of three members, one appointed by each of the two parties, and the third one by the first two or, in case of disagreement, by the Law Commissioner, shall determine the extent and the methods of payment of the compensation. The board of arbitrators shall proceed with equal appreciation. If the determination is evidently unfair or erroneous, or if one of the two parties refuses to appoint its arbitrator, the determination shall be made by the Law Commissioner.
3. The compensation may be modified in the same ways provided for the determination of the original one, if facts have occurred or have been revealed that make evidently inadequate the compensation already established.
4. The applicant or patent owner offering to the public a licence on the patent has the right to have the annual fees reduced by a half. The reduction is granted by the Patents and Trade Marks State Office. The offer statement shall be recorded in the Patent Register, published in the Official Bulletin and its effects shall last until revocation.
5. If the licence offer to the public is made after the date of filing of the patent application, the reduction shall regard the fees for the years subsequent to the offer notice.