

ACT ON THE FINNISH PATENT AND REGISTRATION OFFICE

9.8.2013/578

By decision of Parliament, the following is enacted:

Section 1 - Mission

The Finnish Patent and Registration Office furthers technological and economic development and collective activities in Finland and internationally.

The Finnish Patent and Registration Office operates in the administrative branch of the Ministry of Economic Affairs and Employment .

Section 2 - Duties

The Finnish Patent and Registration Office deals with matters concerning patents, layout-designs (topographies) of integrated circuits, utility model rights, design rights, trade marks, enterprise mortgages, the Trade Register, the Register of Associations, the Foundation Register and the supervision of foundations as referred to in the Foundations Act (487/2015), the supervision referred to in the Act on Collective Management of Copyright (1494/2016), the publication of annual accounts documents, trade names and the audit supervision referred to in the Audit Act (1141/2015), and provides information services relating to these duties.

The Finnish Patent and Registration Office shall carry out any investigations, experiments, monitoring and planning tasks and other tasks that are assigned to it by the Ministry of Economic Affairs and Employment or on which separate provisions are laid down.

Further provisions on the duties of the Finnish Patent and Registration Office may be laid down by Government Decree.

Section 3 - Management and decision-making powers

The Finnish Patent and Registration Office shall be headed by a Director General appointed by the Government. The Director General shall be responsible for the development and effectiveness of the Office's operations and for the achievement of objectives.

Matters to be decided by the Finnish Patent and Registration Office shall be considered by the Director General unless under law or the rules of procedure, they are to be considered by another official.

The Director General shall decide on the organisation of the Finnish Patent and Registration Office and approve its rules of procedure.

In individual cases, the Director General may take over a matter from a subordinate for consideration.

Further provisions on management and decision-making powers may be laid down by Government decree.

Section 4 (290/2015)

Section 4 has been repealed by Act 290/2015.

Section 5 - Advisory Council

The Finnish Patent and Registration Office may have an Advisory Council which is tasked with supporting the Office's strategic planning and fostering cooperation between the Office and its stakeholders.

The Advisory Council shall be appointed by the Ministry of Economic Affairs and Employment for a term of three years at a time. Provisions on the composition of the Council may be laid down by Government decree.

Section 6 - Appeal of decisions of the Finnish Patent and Registration Office in matters concerning industrial property rights and the Trade Register

Decisions of the Finnish Patent and Registration Office may be appealed to the Market Court in the manner provided in the Administrative Judicial Procedure Act (586/1996) when:

- 1) the decision resolves a patent application or another matter concerning a patent;
- 2) the decision resolves an application for registration of a design or another matter concerning a design;
- 3) the decision resolves an application for registration of a layout-design of an integrated circuit or another matter concerning layout-design;
- 4) the decision resolves an application for registration of a utility model or another matter concerning a utility model;
- 5) the decision resolves an application for registration of a trade mark or a collective mark or another matter concerning a trade mark or collective mark;
- 6) the decision denies registration of a notification filed with the Trade Register.

Appeal against a decision referred to in subsection 1 shall be filed within 60 days of service of the decision.

Section 7 - Appeal of decisions of the Finnish Patent and Registration Office in other matters

Decisions of the Finnish Patent and Registration Office in matters other than those referred to in section 6 may be appealed to the Helsinki Administrative Court in the manner provided in the Administrative Judicial Procedure Act. A decision of the Administrative Court may only be appealed with leave to appeal granted by the Supreme Administrative Court (72/2017).

Separate provisions are laid down on appeal of a decision of the Finnish Patent and Registration Office in a matter referred to in the Enterprise Mortgage Act (634/1984).

Section 8 - Limitations of right of appeal

A party which has not filed opposition to or a claim against a granted patent or a registered trade mark or design within the deadline provided may not appeal the decision issued in the matter.

A party which has not filed a claim for invalidation of the registration of a utility model or a registration of the layout-design of an integrated circuit may not appeal the decision issued in the matter.

Section 9- Entry into force

This Act enters into force on 1 September 2013.

This Act repeals the Act on the National Board of Patents and Registration (575/1992). Any reference elsewhere in legislation to the repealed Act or its provisions or a Decree issued pursuant thereto shall be considered a reference to this Act or its provisions.

Decisions by the Finnish Patent and Registration Office made before this Act enters into force shall be appealed in observance of the provisions in force at the time of this Act's entry into force.