

LAW 4605/2019 (GG 52 A', 1.4.19) "Harmonization of Greek legislation to Directive (EU) 2016/943 of the European Parliament of June 8, 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (EEE 157 of 15.6.2016) – Measures to speed-up the work carried out by the Ministry of Economy and Development and other provisions

PRESIDENT OF THE HELLENIC REPUBLIC Promulgation of the following stated law enacted by the Hellenic Parliament: PART ONE REGULATIONS ON THE RESPONSIBILITIES TO BE TAKEN BY THE SECRETARY-GENERAL FOR INDUSTRY CHAPTER ONE PROTECTION OF COMMERCIAL CONFIDENTIALITY Article 1 Harmonization of Greek legislation with Directive (EU) 2016/943 of the European Parliament of June 8, 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (EEE 157) Following Article 22 of Law 1733/1987 (A" 171), Articles 22A, 22B, 22C, 22D, 22E, 22F, 22G, 22H, 22I, 22J and 22K shall be added as follows: «Article 22A (Article 1 and 2 of Directive 2016/943) Scope - Definitions 1. Provisions of articles 22A-22K of the present shall apply to undisclosed knowhow and business information (trade secrets) that have perspective effect within the Hellenic territory 2. Provisions of articles 22A-22K of the present are without prejudice to the following stated: a. the exercise of the right to freedom of expression and information as set out in the Charter, including respect for the freedom and pluralism of the media b. the application of Union or national rules requiring trade secret holders to disclose, for reasons of public interest, information, including trade secrets, to the public or to administrative or judicial authorities for the performance of the duties of those authorities c. the application of Union or national rules requiring or allowing Union institutions and bodies or national public authorities to disclose information submitted by businesses which those institutions, bodies or authorities hold pursuant to, and in compliance with, the obligations and prerogatives set out in Union or national law; d. the autonomy of social partners and their right to enter into collective agreements, in accordance with Union law and national laws and practices. 206 3. Provisions of articles 22A-22K shall be understood to offer no ground for restricting the mobility of employees. In particularly, in relation to the exercise of such mobility, implementation of provisions of articles 22A-22K shall not offer any ground for: a. limiting employees' use of information that does not constitute a trade secret as defined in point (a) of paragraph 4; b. limiting employees' use of experience and skills honestly acquired in the normal course of their employment; c. imposing any additional restrictions on employees in their employment contracts other than

restrictions imposed in accordance with Union or national law. 4. For the purposes of this section, the following definitions shall be applicable: a. 'trade secret' means information which meets all of the following requirements: aa. it is secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question; bb. it has commercial value because it is secret; cc. it has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret b. 'trade secret holder' means any natural or legal person lawfully controlling a trade secret c. 'infringer' means any natural or legal person who has unlawfully acquired, used or disclosed a trade secret d.) 'infringing goods' means goods, the design, characteristics, functioning, production process or marketing of which significantly benefits from trade secrets unlawfully acquired, used or disclosed. Article 22B (Articles 3, 4 and 5 of Directive 2016/943) Lawful acquisition, use and disclosure of trade secrets 1. The acquisition of a trade secret shall be considered lawful when the trade secret is obtained by any of the following means: a. independent discovery or creation; b. observation, study, disassembly or testing of a product or object that has been made available to the public or that is lawfully in the possession of the acquirer of the information who is free from any legally valid duty to limit the acquisition of the trade secret; c. exercise of the right of workers or workers' representatives to information and consultation in accordance with Union law and national laws and practices; d. any other practice which, under the circumstances, is in conformity with honest commercial practices. 2. The acquisition, use or disclosure of a trade secret shall be considered lawful to the extent that such acquisition, use or disclosure is required or allowed by Union or national law. 3. The acquisition of a trade secret without the consent of the trade secret holder shall be considered unlawful, whenever carried out by: a. unauthorised access to, appropriation of, or copying of any documents, objects, materials, substances or electronic files, lawfully under the control of the trade secret holder, containing the trade secret or from which the trade secret can be deduced; or b. any other conduct which, under the circumstances, is considered contrary to honest commercial practices. 4. The use or disclosure of a trade secret shall be considered unlawful 207 whenever carried out, without the consent of the trade secret holder, by a person who is found to meet any of the following conditions: a. having acquired the trade secret unlawfully; b. being in breach of a confidentiality agreement or any other duty not to disclose the trade secret; c. being in breach of a contractual or any other duty to limit the use of the trade secret. 5. The acquisition, use or disclosure of a trade secret

shall also be considered unlawful whenever a person, at the time of the acquisition, use or disclosure, knew or ought, under the circumstances, to have known that the trade secret had been obtained directly or indirectly from another person who was using or disclosing the trade secret unlawfully within the meaning of paragraph 4. 6. The production, offering or placing on the market of infringing goods, or the importation, export or storage of infringing goods for those purposes, shall also be considered an unlawful use of a trade secret where the person carrying out such activities knew, or ought, under the circumstances, to have known that the trade secret was used unlawfully within the meaning of paragraph 4. 7. Any application for the measures, procedures and remedies provided for in Articles 22D-22I shall be dismissed where the alleged acquisition, use or disclosure of the trade secret was carried out in any of the following cases: a. for exercising the right to freedom of expression and information as set out in the Constitution and the Charter of Fundamental Rights of the European Union including respect for the freedom and pluralism of the media; or b. for revealing misconduct, wrongdoing or illegal activity, provided that the respondent acted for the purpose of protecting the general public interest; c. disclosure by workers to their representatives as part of the legitimate exercise by those representatives of their functions in accordance with Union or national law, provided that such disclosure was necessary for that exercise; d. for the purpose of protecting a legitimate interest recognised by Union or national law. Article 22C (Articles 7 and 8 of Directive 2016/943) Proportionality, abuse of process and limitation period 1. The measures, procedures and remedies provided for in Articles 22D-22I shall apply in a manner that: a. is proportionate; b. avoids the creation of barriers to legitimate trade in the internal market; and c. provides for safeguards against their abuse. 2. The court may, upon the request of the respondent, apply appropriate measures, where an application concerning the unlawful acquisition, use or disclosure of a trade secret is manifestly unfounded and the applicant is found to have initiated the legal proceedings abusively or in bad faith. Such measures may, as appropriate, include awarding damages to the respondent due to the infringement of personal rights. 3. Any claims for measures to be taken and damages provided for in articles 22D-22I shall be prescribed after completing five (5) years since the holder of a trade secret has been informed of the infringement or damage, and of the person liable for compensation. 208 Article 22D (Article 9 of Directive 2016/943) Preservation of confidentiality of trade secrets in the course of legal proceedings 1. The parties, their lawyers or other representatives, witnesses, experts and any other person participating in legal proceedings relating to the unlawful acquisition, use or disclosure of a trade secret, or who has access to

documents which form part of those legal proceedings, are not permitted to use or disclose any trade secret or alleged trade secret which the competent judicial authorities have, in response to a duly reasoned application by an interested party, identified as confidential and of which they have become aware as a result of such participation or access upon documented application of the person interested. The obligation referred to in the first subparagraph shall remain in force after the legal proceedings have ended. However, such obligation shall cease to exist in any of the following circumstances: a. where the alleged trade secret is found, by a final decision, not to meet the requirements set out in paragraph 4 of Article 22A, b. where over time, the information in question becomes generally known among or readily accessible to persons within the circles that normally deal with that kind of information.

2. The court may, on a duly reasoned application by a party, take specific measures necessary to preserve of any trade secret or alleged trade secret used or referred to in the course of legal proceedings relating to the unlawful acquisition, use or disclosure of a trade secret. The measures referred to in the first subparagraph shall at least include the possibility: a. of restricting access to any document containing trade secrets or alleged trade secrets submitted by the parties or third parties, in whole or in part, to a limited number of persons; b. of restricting access to hearings, when trade secrets or alleged trade secrets may be disclosed, and the corresponding record or transcript of those hearings to a limited number of persons; c. of making available to any person other than those comprised in the limited number of persons referred to in points (a) and (b) a non-confidential version of any judicial decision, in which the passages containing trade secrets have been removed or redacted. The number of persons referred to in points (a) and (b) of the second subparagraph shall be no greater than necessary in order to ensure compliance with the right of the parties to the legal proceedings to an effective remedy and to a fair trial, and shall include, at least, one natural person from each party and the respective lawyers or other representatives of those parties to the legal proceedings.

3. When deciding on the measures referred to in paragraph 2 and assessing their proportionality, the court shall take into account the need to ensure the right to an effective remedy and to a fair trial, the legitimate interests of the parties and, where appropriate, for third parties, resulting from the granting or rejection of such measures.

4. Any processing of personal data pursuant to paragraphs 1, 2 or 3 shall be carried out in accordance with Directive (EU) 2016/679 (EEE 119).

209 Article 22E (Article 10 of Directive 2016/943) Provisional and precautionary measures

1. In possibility of infringement of a trade secret, the Court of First Instance prosecuting with the interim measures' procedure of articles 686 et

seq. of the Civil Procedural Code shall order any of the following provisional and precautionary measures against the alleged infringer: a. the cessation of or, as the case may be, the prohibition of the use or disclosure of the trade secret on a provisional basis; b. the prohibition of the production, offering, placing on the market or use of infringing goods, or the importation, export or storage of infringing goods for those purpose the seizure or delivery up of the suspected infringing goods, including imported goods, so as to prevent their entry into, or circulation on, the market. It is set that in cases of the present, Article 687 of the Civil Procedural Code shall apply and if need arises, a provisional order shall be granted according to Article 691 A of the Civil Procedural Code. 2. As an alternative to the measures referred to in paragraph 1, the Court of First Instance may make the continuation of the alleged unlawful use of a trade secret subject to the lodging of guarantees intended to ensure the compensation of the trade secret holder. Disclosure of a trade secret in return for the lodging of guarantees shall not be allowed. Article 22F (Article 11 of Directive 2016/943) Conditions of application and safeguards 1. In respect of the measures referred to in Article 22E, the Court of First Instance may require the applicant to provide evidence that may reasonably be considered available in order to satisfy itself with a sufficient degree of certainty that: a. a trade secret exists; b. the applicant is the trade secret holder; and c. the trade secret has been acquired unlawfully, is being unlawfully used or disclosed, or unlawful acquisition, use or disclosure of the trade secret is imminent. 2. The Court of First Instance in deciding on the granting or rejection of the application shall be required to take into account the specific circumstances of the case, including, where appropriate: a. the value and other specific features of the trade secret; b. the measures taken to protect the trade secret; c. the conduct of the respondent in acquiring, using or disclosing the trade secret; d. the impact of the unlawful use or disclosure of the trade secret; e. the legitimate interests of the parties and the impact which the granting or rejection of the measures could have on the parties; f. the legitimate interests of third parties; g. the public interest; and h. the safeguard of fundamental rights. 3.a. The provisionary and precautionary measures are ex officio revoked if the applicant does not institute legal proceedings leading to a decision on the merits of the case before the competent judicial authority, within a reasonable period determined by the judicial authority ordering the measures where the law of a Member State so permits or, in the absence of such determination, within a period not exceeding 20 working days or 31 calendar days, whichever is the longer; or 210 b. Provisionary and precautionary measures are revoked upon the request of the respondent, in case the information in question no longer meets the requirements

provided for in paragraph 4 of Article 22A, for reasons that cannot be attributed to the respondent. 4. The Court of First Instance may make the measures referred to in Article 22E subject to the lodging by the applicant of adequate security or an equivalent assurance intended to ensure compensation for any prejudice suffered by the respondent and, where appropriate, by any other person affected by the measures. Where the measures referred to in Article 22E are revoked on the basis of point (a) of paragraph 3, where they lapse due to any act or omission by the applicant or where it is subsequently found that there has been no unlawful acquisition, use or disclosure of the trade secret or threat of such conduct, the Court of First Instance shall have the authority to order the applicant, upon the request of the respondent or of an injured third party, to provide the respondent or the injured third party appropriate compensation for any injury caused by those measures. Article 22G (Article 12 of Directive 2016/943) Injunctions and corrective measures 1. Where a judicial decision taken on the merits of the case finds that there has been unlawful acquisition, use or disclosure of a trade secret, the Court may, at the request of the applicant, order one or more of the following measures against the infringer: a. the cessation of or, as the case may be, the prohibition of the use or disclosure of the trade secret; b. the prohibition of the production, offering, placing on the market or use of infringing goods, or the importation, export or storage of infringing goods for those purposes; c. the adoption of the appropriate corrective measures with regard to the infringing goods; d. the destruction of all or part of any document, object, material, substance or electronic file containing or embodying the trade secret or, where appropriate, the delivery up to the applicant of all or part of those documents, objects, materials, substances or electronic files. 2. The corrective measures referred to in point (c) of paragraph 1 shall include: a. recall of the infringing goods from the market and their disposal to charitable organizations, b. depriving the infringing goods of their infringing quality; c. destruction of the infringing goods or, where appropriate, their withdrawal from the market, provided that the withdrawal does not undermine the protection of the trade secret in question. 3. The court shall order that the measures referred to in points (c) and (d) of paragraph 1 be carried out at the expense of the infringer, unless there are particular reasons for not doing so. Those measures shall be without prejudice to any damages that may be due to the trade secret holder by reason of the unlawful acquisition, use or disclosure of the trade secret. In all other cases, provisions of Articles 941 et seq. of the Civil Procedural Code shall apply. Article 22H (Article 13 of Directive 2016/943) Conditions of application, safeguards and alternative measures 1. The court, in considering an application for the adoption of the injunctions and corrective measures provided for

in Article 22G, and 211 assessing their proportionality, shall be required to take into account the specific circumstances of the case, where appropriate: a. the value or other specific features of the trade secret; b. the measures taken to protect the trade secret; c. the conduct of the infringer in acquiring, using or disclosing the trade secret; d. the impact of the unlawful use or disclosure of the trade secret; e. the legitimate interests of the parties and the impact which the granting or rejection of the measures could have on the parties; f. the legitimate interests of third parties; g. the public interest; and h. the safeguard of fundamental rights. Where the court limits the duration of the measures referred to in points (a) and (b) of Article 22G, such duration shall be sufficient to eliminate any commercial or economic advantage that the infringer could have derived from the unlawful acquisition, use or disclosure of the trade secret. 2. The measures referred to in points (a) and (b) of paragraph 1 of Article 22G are revoked or otherwise cease to have effect, upon the request of the respondent, if in the meanwhile the information in question no longer meets the requirements of paragraph 4 of Article 22A for reasons that cannot be attributed directly or indirectly to the respondent. 3. At the request of the person liable to be subject to the measures provided for in Article 22G, the court may order pecuniary compensation to be paid to the injured party instead of applying those measures provided all the following conditions are met: a. the person concerned at the time of use or disclosure neither knew nor ought, under the circumstances, to have known that the trade secret was obtained from another person who was using or disclosing the trade secret unlawfully; b. execution of the measures in question would cause that person disproportionate harm; and c. pecuniary compensation to the injured party appears reasonably satisfactory. Where pecuniary compensation is ordered instead of the measures referred to in points (a) and (b) of paragraph 1 of Article 22G, it shall not exceed the amount of royalties or fees which would have been due, had that person requested authorization to use the trade secret in question, for the period of time for which use of the trade secret could have been prohibited. Article 228 (Article 14 of Directive 2016/943) Damages 1. Upon the request of the injured party, the court may order an infringer who knew or ought to have known that he, she or it was engaging in unlawful acquisition, use or disclosure of a trade secret, to pay the trade secret holder damages appropriate to the actual prejudice suffered as a result of the unlawful acquisition, use or disclosure of the trade secret. The liability for damages of employees towards their employers for the unlawful acquisition, use or disclosure of a trade secret of the employer may be limited where they act without intent. 2. When setting the damages referred to in paragraph 1, the court shall take into account all appropriate factors, such as the negative economic consequences,

including lost profits, which the injured party has suffered, any unfair profits made by the infringer and, in appropriate cases, elements other than economic factors, such as the moral prejudice caused to the trade secret holder by the unlawful acquisition, use or disclosure of the trade secret. Alternatively, the court may, in appropriate cases, set the damages as a lump sum on the basis of elements such as, at a minimum, the amount of royalties or fees which would have been due had the infringer requested authorisation to use the trade secret in question.

Article 22I (Article 15 of Directive 2016/943) Publication of judicial decisions 1. In legal proceedings instituted for the unlawful acquisition, use or disclosure of a trade secret, the court may order, at the request of the applicant and at the expense of the infringer, appropriate measures for the dissemination of the information concerning the decision, including publishing it in full or in part. 2. Any measure referred to in paragraph 1 shall preserve the confidentiality of trade secrets as provided for in Article 22D. 3. In deciding whether to order a measure referred to in paragraph 1 and when assessing its proportionality, the court shall take into account, where appropriate, the value of the trade secret, the conduct of the infringer in acquiring, using or disclosing the trade secret, the impact of the unlawful use or disclosure of the trade secret, and the likelihood of further unlawful use or disclosure of the trade secret by the infringer. The court shall also take into account whether the information on the infringer would be such as to allow a natural person to be identified and, if so, whether publication of that information would be justified, in particular in the light of the possible harm that such measure may cause to the privacy and reputation of the infringer.

Article 22K (Article 16 and 17 of Directive 2016/943) Sanctions - Exchange of informations 1. The Court may impose sanctions on any person who fails or refuses to comply with any measure adopted pursuant to Articles 22D, 22E and 22G. 2. The sanctions provided for shall include the possibility of imposing recurring penalty payments in the event of non-compliance with a measure adopted pursuant to Articles 22E and 22G. 3. The Hellenic Industrial Property Organisation (OBI) is assigned to be the national correspondent as far as the implementation of measures laid down in Articles 22D-22I is concerned. Upon decision issued by the Ministry of Economy and Development and after the submission of a documented proposal by the OBI, the sort of sanctions, criteria and their scaling-up, the procedure and prerequisites to be taken into account for the sanction's imposition shall also be defined.

CHAPTER TWO REGULATIONS ON INTELLECTUAL PROPERTY

Article 2 National Council for Industrial Property 1. Within the framework of the Ministry of Economy and Development, the National Council of Industrial Property shall be established (ΕΣυΒι) comprising the following members: a. the Secretary-



General for Industry, b. the Secretary- General for Commerce & Consumer Protection, 213 c. the Secretary- General for Research and Technology, d. the General Secretary of Environment & Energy e. the Secretary General Ministry of Rural Development and Food f. the Secretary Special of the Greek Financial & Economic Crime (ΣΔΟΕ), g. the President of the Administrative Council of the Hellenic Industrial Property Organisation (OBI) and the Director General of the Hellenic Industrial Property Organisation (OBI). The Secretary General for Industry and the Secretary General for Commerce & Consumer Protection shall preside over the council on a rotation basis. 2. The National Council of Industrial Property is a coordinating body and its main work is focused on: a. recording all initiatives and actions taken by competent Ministries and supervised institutions authorized to regulate, supervise, promote and protect industrial property in Greece, b. setting an integrated strategy on industrial property in Greece, c. coordinating actions and initiatives taken by competent Ministries and institutions in compliance with the aforementioned strategy, d. processing the proposals submitted regarding the implementation of Union and international regulations, actions, policies and standards, and the adoption of best practices, e. processing the proposals submitted regarding information actions on industrial property, f. monitoring and recording both financial and social consequences resulting from regulations on industrial property in Greece, mainly with the establishment of relevant indexes. 3. Upon decision taken jointly by the Minister of Economy and Development, the Minister for Education, Research and Religious Affairs, the Minister for Rural Development and Food and the Minister for the Environment and Energy, the constitution of the aforementioned coordinating body with the appointment of alternate members, its specialized work and the operation of the National Council of Industrial Property related to its convocation, decisions making, coordination, actions report and administrative support as well as any other relevant issue shall be also defined.

Article 3 Amendment of the provisions of Law 1733/1987 (A' 171) Law 1733/1987 shall be amended as follows: 1. At the end of paragraph 1 of Article 1, the following subparagraph shall be added: “Under provisions of paragraph 45 of Article 2 of Law 4310/2014 (A' 258), the OBI is a self-financed technological institution which is supervised by the Ministry of Economy and Development according to provisions of Law 4512/2018 (A'5)”. 2. Paragraph 1 of Article 7A shall be replaced as follows: «1. As of 15.4.2019, any submission to the OBI of an application regarding the grant of all sorts of industrial property titles and certificates, pursuant to provisions on industrial property, shall be made strictly online. All applications shall bear the electronic signature under point 10 of Article 3 of Regulation 910/2014 of the

European Parliament and of Council of April 23rd 2014 (OJ L 257) which is legally recognized pursuant to paragraph 1 of Article 25 of the Regulation in question or bear the electronic signature provided for in point 12 of article 3 along with article 26 of Regulation 910/2014 being legally 214 equivalent to a handwritten signature pursuant to paragraph 2 of Article 25 of the aforementioned Regulation. Relevant fees shall be strictly paid online. Upon the decision taken by the OBI's Board of Directors which is approved by the Minister for Finance and Development and published in the Government Gazette, all terms, conditions, procedures, technical requirements and any other issue related to the implementation of the aforementioned along with any sorts of payment of relevant fees and payment dates shall be also defined". 3. Paragraph 4 shall be added to Article 7A as follows: "4. Until the decision laid down in paragraph 1 is issued, Decision No. 12625/1 /2014 taken by the State Secretary for Development and Competitiveness (B' 3258) pursuant to Regulation (EC) 910/2014 (EEE 257)" shall be applicable". 4. Provisions of paragraphs 1 and 2 of Article 7A of Law 1 733/1 987 are in force respectively as of 17.1.2018. 5. Following paragraph 6, paragraph 6a shall be added to Article 8 of Law 1733/1987 as follows: "6a. Within a strict deadline of two (2) months following the notification of the final search report issued by OBI, the applicant has the right to reformulate claims stated in the application, restricting thus both the extent and content of the protection claimed. In case of obvious inconsistencies with the claim content, the description, title, summary and all projects shall be reformulated. In all other cases, paragraphs 6 to 15 of Article 8 shall be applicable". Article 4 Amendment of provisions of Law 1733/1987 on contractual licenses Law 1733/1987 shall be amended as follows: 1. Paragraph 3 of Article 12 shall be completed as follows: «Any agreement on granting contractual licenses is published on the Industrial Property Bulletin and shall enter into force on the date of its registration in the Patent Register". 2. Following article 12, article 12A shall be also added as follows: «Article 12A Contractual licenses public offering. 1. Patent holders may proceed to a public offering of non-exclusive licenses with or without compensation by submitting a relevant written application to the OBI according to which they allow the patent - protected by the license in question- to be used by any person interested acting in the capacity of licensee. Applications are registered in the Patent Register, Issue D' entitled "Register for open patents" posted up on a special website of the OBI's site and published in the Industrial Property Bulletin. 2. Pursuant to paragraph 1, the patent holder is entitled to an annual fee due reduction regarding patent protection which shall be determined by the OBI's Administrative Council either on a general or a case by case basis. The aforementioned reduction

shall be granted as of the date of the application's registration in the open patent license register as long as the relevant public offering is still applicable. The patent holder who proceeds with a contractual license public offering without compensation to any Social and Solidarity Economy Institutions according to Law 4430/2016 (A' 205) or 215 to public enterprises and organizations pursuant to Law 3429/2005 (A" 314), who provides social services of general interest and is not subject to Chapter Two, shall be entitled to exemption of the obligation to pay annual fees due regarding patent protection as long as a public offering is still applicable. 3. Any public offering may be withdrawn whenever upon written notification submitted to the OBI, provided that no one has the intention to proceed with the use of patent being protected by the license in question. The offer's withdrawal shall enter into force on the date notification has been received. 4. In case there is an exclusive patent license that has been already registered in the Patent Register or provided a relevant application has been submitted, any public offering for licenses stated in paragraphs 1, 2 and 3 shall be unfeasible. Once a public offering is submitted, any application for registration of an exclusive patent license in the Patent Register shall not be approved until the public offering is withdrawn. 5. The acceptance of any public offering gives any person the right to make use of the patent protected by the license in question as a non-exclusive licensee. 6. Everyone who would like to make use of a patent protected by the license on the basis of the public offering shall submit a relevant application to the OBI indicating the patent he/she wants to make use. The OBI shall communicate the application to the patent holder. The applicant has the right to use the patent in the way it was indicated by the latter within three (3) months from the date the application was submitted to the OBI. 7. In the event of dispute between the parties, following a relevant application submitted by either of them and hearing both of the parties, the OBI shall define the level of pecuniary compensation that should be paid by the licensee. The OBI may amend the compensation to be paid provided that there is evidence based on which the defined compensation is manifestly inappropriate. Any application regarding the amendment of the compensation shall be submitted after one (1) year from the issue of the decision on its determination. Any decisions taken by the OBI regarding the determination or amendment of the compensation to be paid shall be subject to cancellation audits carried out by the Council of State. 8. Upon decision issued by the Minister of Economy and Development and the competent Ministers as the case may be, registration of the public offering for contractual licenses and the procedure to be followed for the consensual resolution of disputes shall be also determined". Article 5 Amendment of the provisions of Law 1733/1987 on non-contractual

licensing Article 13 of Law 1733/1987 shall be replaced as follows: “Article 13 Non-contractual licensing 1. The Hellenic Industrial Property Organisation (OBI) may grant to a third party, without the consent of the holder, a non-contractual patent license provided that the following conditions are cumulatively met: a. three years have elapsed since the grant of the patent or four years from the filing of the patent application, b. the related invention was not exploited in Greece or, if it was, that 216 exploitation is insufficient to meet domestic demand. For the purposes of this section, exploitation also refers to the importation of products manufactured in any Member State of the World Trade Organization. 2. A non-contractual license shall not be granted if the patent holder justifies nonexploitation or inadequate exploitation in the country. 3. Non-contractual license shall be: a. non-exclusive, b. non-assignable, except with that part of the enterprise or goodwill which enjoys the license, c. limited to those acts necessary for achieving the purpose for which the license has been granted, d. mainly used to cover the domestic demand, e. if granted for a major patent, the license shall extend to the supplementary protection certificate, f. where the patent relates to semiconductor technology, the license may be used only by state authorities for non-commercial purposes or to remove the consequences of a practice which has been found to be anticompetitive, following judicial or administrative proceedings. 4. The patent holder may request the OBI to grant a non-contractual license of an earlier patent, as long as his/her invention relates to the invention of the earlier patent and it cannot be exploited without prejudice to the rights of the holders of the prior patent. License is granted only if the invention of the later patent is based on significant technical progress of great economic importance in relation to the invention of the earlier patent. After the license is granted, the holder of the first patent shall be entitled to obtain parallel licensing on reasonable terms for the use of the invention enshrined in the second patent. The compulsory license of the first patent can only be granted jointly with the second patent. 5. The non-contractual license shall be granted upon application of the interested party to OBI. The application shall be accompanied by evidence that the person concerned has endeavored to obtain the holder license on reasonable financial terms and conditions, and these efforts have not been successful within thirty (30) days of the commencement of negotiations. The OBI shall issue a decision on the application within sixty (60) days of the filing date of the application. A copy of the application for a non-contractual license shall be notified to the patent holder. The latter may submit his observations in writing to the OBI within twenty (20) days of the date of notification of the application. 6. If the application is accepted, the OBI grants the non-contractual license. The license shall contain the scope of the patent,

the duration of its validity, the period of time, within which the invention shall enter into force in Greece, as well as the amount and conditions of the patent holder's compensation by the licensee. The amount and conditions of compensation shall be determined according to the extent of the industrial exploitation of the protected invention. 7. The decision referred to in paragraph 6 shall be registered in the Patent Register, published in the Industrial Property Bulletin and notified to the persons referred to in paragraph 5. The decision shall enter into force on the date of its publication in the Industrial Property Bulletin. 217 8. Upon application of the patent holder or the non-contractual licensee, the OBI may amend the licensing conditions if there is new evidence justifying the amendment, or revoke the noncontractual license if its holder does not apply the conditions of the license or if the conditions for granting it have ceased to exist. The decision of the OBI on the application for revocation or amendment of the license shall be issued within thirty (30) days of the filing of the application. If immediate revocation causes significant harm to the holder of the non-contractual license, the OBI may allow the exploitation to continue for a reasonable period of time, which must be clearly specified. Paragraph 7 shall apply accordingly. 9. The holder of a non-contractual license has the same rights and obligations as the patent holders. 10. The decisions of the OBI to grant, amend or revoke non-contractual licenses are subject to the judicial review of the Council of State." Article 6 Amendment of the provisions of Law 1733/1987 on compulsory licensing Article 14 of Law 1733/1987 shall be replaced as follows: "Article 14 Affiliation to compulsory licensing regime 1. For compelling reasons of public interest, a patent may be subject to compulsory licensing, following the opinion of the OBI, by decision of the Ministry of Economy and Development and the relevant Ministries as appropriate. 2. Public interest reasons arise when: a. patent-protected products or production methods are made available to the public in inadequate quantity, quality, or at abnormally high prices compared to prices of similar products in similar markets, b. the exploitation of this patent is for public health reasons, c. patent exploitation is an act of unfair competition, d. the patent exploitation is necessary to comply with a standard that serves the public interest, e. lack of patent exploitation affects the country's economic and technological development. 3. Prior to the adoption of the decision referred to in paragraph 1, the patent holder and any other person capable of giving useful advice are invited to state their views. 4. The decision referred to in paragraph 1 shall, upon opinion of the OBI, determine the amount and conditions of compensation to the patent holder. The amount of compensation shall be determined by the extent of the industrial exploitation of the invention. In the event of disagreement of the patent holder on the amount of the

compensation, the compensation shall be determined by the local Single Judge Court of First Instance in the proceedings for interim measures. 5. Following the affiliation of a patent in a compulsory licensing regime, any interested party may apply to the Ministry of Economy and Development for the grant of such patent license. The license shall be issued by decision of the Ministry of Economy and Development, which specifies the license duration and scope. Article 13 (3) shall apply accordingly. 218 6. For reasons relating to the national defence of the country, an invention within the State may be granted to public sector bodies by reasoned decision of the Ministries of Economy and Development and the Ministry of Defence. In this case, the patent holder shall be informed of the license granted within ten (10) days of the date of publication of the decision at the latest. Paragraphs 2 to 5 shall apply accordingly.” Article 7 Compulsory licensing Following Article 14 of Law 1733/1987, Article 14A shall be added as follows: “Article 14A Compulsory licensing under Regulation (EC) 816/2006 1. Applications for compulsory licenses under Regulation (EC) No. 816/2006 of the European Parliament and of the Council of 17th May 2006 (OJ L 157) shall be submitted to the OBI. The license shall be granted subject to the conditions laid down in Articles 6 to 10 of the Regulation and must be clearly defined as to the duration, scope and compensation paid to the holder of the patent, for which the compulsory license has been granted. 2. The compulsory license shall enter into force on the date of notification of the OBI’s decision accepting the application to the applicant and the patent holder 3. The OBI may revoke the compulsory license in accordance with Article 16 of Regulation (EC) 816/2006, if the licensee does not comply with its conditions. 4. Any infringement of Article 13 of Regulation (EC) No. 816/2006 and Article 2 of Regulation (EC) No. 793/2016 of the European Parliament and of the Council of 11th May 2016 (OJ L 135) shall be regarded as infringement of the patent, for which the compulsory license has been granted. 5. The decision of the OBI to issue a compulsory license under Regulation (EC) No. 816/2006 is subject to the judicial review of the Council of State. Article 8 Arrangements for technology pools Following Article 22K of Law 1733/1987, Article 22P shall be added as follows: “Article 22P Technology pools 1. Technology pools (technology exploitation consortia) mean agreement whereby two or more parties create a single technology project for which a license is granted. The agreements for setting up a technology pool are listed in the Technology Transfer Register and published in the Industrial Property Bulletin. 2. The establishment and operation

of technology pools which have as their object essential technologies, including the licensing thereof, shall meet the following conditions: a. participation in the creation of the consortium is open to all interested technology right holders, b. adequate safeguards are provided to ensure that the consortium deals only with essential technologies which must be also complementary, c. adequate safeguards are provided so that the exchange of sensitive information is limited to those necessary for the establishment and operation of the consortium, d. licenses for the technologies covered by the consortium are granted to the consortium on a non-exclusive basis, 219 e. licenses for the technologies covered by the consortium are granted to all potential licensors and on fair and reasonable terms that are nondiscriminatory, f. parties contributing technology to the consortium and licensors are free to question the validity and fundamental nature of the technologies covered by the consortium, g. parties contributing technology to the consortium and licensors remain free to develop competing products and technologies. 3. Technology pools dealing with nonessential technologies should be examined on a case-by-case basis for compliance with competition law. 4. By decision of the Ministry of Economy and Development and the relevant Ministries as appropriate, a consortium may be set up to exploit specific technology to cover social needs, as well as to raise funds to promote technological development in specific areas.”