

Chomakhashvili O. Legal status of a patent attorney

The article is devoted to the study of the legal status of a patent attorney. Qualification requirements for patent attorneys are outlined. The procedure of attestation of patent attorneys is considered. The statistical data in the field of patent attorneys are presented and analysed. An attention was paid to the quantitative distribution of patent attorneys in Ukraine. Conclusions and forecasts are made. The prospective directions of activity of patent attorneys are outlined. The basic rights and duties of patent attorneys are studied. Characterized functions of the activity of the patent attorney in relation to the acquisition, implementation, and protection of the rights to the invention.

Patent attorney – a person who has acquired the corresponding status in the established order and renders services in the professional representation in the field of intellectual property on the basis of a civil law contract, which consists in the implementation on behalf of the physical and legal persons of actions related to the filing of applications and obtaining security documents for industrial property rights in Ukraine, as well as their representation in state authorities, in relations to other bodies, individuals, and legal entities. The rights and obligations of the patent attorney, which are enshrined in the current provisions, are non-systemic, do not give a complete picture of the professional nature of the services provided by the patent attorneys.

The promising activity of patent attorneys is the activity of issuing compulsory licenses. There is no law enforcement practice in Ukraine regarding compulsory licensing but there are corresponding legal rules.

A compulsory license is a license issued to a legal entity or individual in response to a request by a government agency (in Ukraine, the Cabinet of Ministers of Ukraine) for the industrial use of a patented invention and/or the importation of articles incorporating a patented invention; such a license may be issued against the will of the owner of the patent.

Key words: representation, attorneys, patents, inventions, defence.