

## The Czech Republic

### **(i) Additional inputs for the preparation of a draft reference document on the exception regarding the use of articles on foreign vessels, aircraft and land vehicles**

According to Section 18 paragraphs a) and b) of Act No. 527/1990 Coll. on Inventions and Rationalisation Proposals, as amended, the rights of the proprietor of the patent shall not be infringed by use of the protected invention

- on board vessels of other contracting parties to the Paris Convention for the Protection of Industrial Property (hereinafter referred to as 'countries of the Union') to which the Czech Republic is a party, in the body of the vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the Czech Republic, provided that such use is exclusively for the needs of the vessel, or
- in the construction or operation of aircraft or land vehicles of other countries of the Union, or of accessories of such aircraft or land vehicles, when those aircraft or land vehicles temporarily or accidentally enter the Czech Republic.

This is an exception limiting the effects of the patent in accordance with the commitment of the Czech Republic arising from the Paris Convention for the Protection of Industrial Property (see Article 5ter) and the Convention on International Civil Aviation (see Article 27). Both provisions are intended to enable the freedom of international transport and serve to ensure the transport of persons and goods across state borders, whether by land, air, or water.

The above-mentioned provisions regulate cases where the patent holder's right is not infringed if the protected invention is used on vessels, aircraft or vehicles of countries that are members of the Paris Convention for the Protection of Industrial Property (hereinafter referred to as the 'Paris Convention') and which temporarily or accidentally enter the Czech Republic. In the case of vessels, there is also no interference with the patent holder's rights if the invention is used in the body of the vessel, in the machinery, tackle, gear and other accessories, provided that such objects are exclusively used there for the needs of the vessel. For aircraft or land vehicles, it must be a use in their construction or operation, and the above-mentioned exception also applies to their accessories.

To allow the use of a patent onboard a vessel, the following conditions must be met cumulatively. Vessels must belong to a country that is a member of the Paris Convention. Onboard the vessel, the invention can alternatively be located either in the body of the vessel, in the machinery, tackle, gear or in other accessories if these objects are used only for the needs of the vessel. The second condition is that the vessel in question enters the territory of the Czech Republic only for a limited period of time.

As for aircraft and land vehicles, the invention has to be used in their construction, operation, or their accessories. Again, the aircraft or land vehicle must belong to a state that is a member of the Paris Convention. In the same way, their stay in the territory of the Czech Republic is temporary.

The application of this exception does not represent a practical problem in patent law as applicable in the Czech Republic. The Industrial Property Office of the Czech Republic is not aware of any court judgements regarding the interpretation of this exception.