

Leaflet Patents in France

Territory

French Patents extend to the territories of France in Europe, to the Overseas Départements Guadeloupe, Martinique, Réunion and French Guyana, to the Overseas Territories Wallis and Futuna, the French Austral and Antarctic territories, to Mayotte and to New Caledonia.

Duration

The patent has a duration of 20 years from the date of filing, provided that annual fees are Paid.

Compulsory use

A patented invention should be sufficiently worked within 3 years from grant or within 4 years from filing, so as to satisfy the needs of the French market. Working means the exploitation of the patented invention within the territory of an EC member state or of a state of the EEA agreement (i.e. Iceland, Liechtenstein or Norway) or importation from a member state of the WTO. If there is no such working without valid reasons or if the working is suspended for more than 3 years, any third person may apply for a compulsory license.

Marking

Marking is not compulsory and not required to be in a position to take action in case of infringement. If a marking is desired, an indication to the patent and the patent number is recommended, e.g. "Brevet No. ...".

Miscellaneous

For statistical purposes it is provided that each contract between a party (company or Individual) having domicile or establishment in France and a party abroad (e.g. you as the patentee), which concerns the acquisition or assignment of industrial property rights, licences, technical or scientific assistance, know-how etc. is to be reported by the French party to the Patent Office within 1 month. The French party has to inform the Patent Office each year of the amounts of the sums paid or received under such contract. Such information will be treated confidentially.

EU member countries

France is a member of the European Union (EU). As far as patents are concerned, this has the consequence that once products protected by the patent are sold by or with the permission of the patentee in one EU member country, shipment of these products into and out of other EU member countries basically cannot be prevented.