

Leaflet European Patent in Italy

National patent number

The Italian part of the European patent will be assigned a national patent number.

Duration

Provided that the annual national renewal fees are paid, the patent has a duration of 20 years from the European filing date.

Compulsory use

Patents must be worked in Italy to an extent satisfying the domestic needs within 3 years from the date of grant or within 4 years from the application date, whichever term expires later; thereafter the patent may not remain unworked for longer than three consecutive years. In case of non-working the patent might become subject to the grant of compulsory licenses upon request of a third party, unless the failure to work the invention is due to causes beyond the control of the owner of the patent. After expiry of a two-year period running from the date of grant of the first compulsory license, the patent lapses owing to non-working or insufficient working. Importation into or sale in Italy of patent-protected goods manufactured in any other WTO member country constitutes working. Nominal working (by direct offers, advertisements and/or token sales) does not comply with the working requirements and is hardly of use. Inventions relating to articles shown for the first time at an official or officially recognized exhibition in Italy are considered to be worked as from the day they have been exhibited up to the closure of the exhibition, provided they have been exhibited for at least 10 days or, in the case of an exhibition of a shorter duration, for the whole period thereof. However, this applies only to the first 3-year period running from the date of grant of the patent.

Marking

Marking is advisable, but not compulsory. Possible marking: 'Brevettato', or 'Brevetto', or 'Brev.'.

EU member countries

Italy 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. Please do not hesitate to contact us if you have any questions on this issue.