

PART VI. LAW OF INVENTION

Article 520. Certificate of authorship and patent

An inventor may at his election demand recognition only of his authorship, or of his authorship and of the exclusive right to his invention. In the first instance, an inventor's certificate is issued for the invention, and in the second instance, a patent. Inventors' certificates and patents are issued on the terms and in the manner provided by the Statute on Discoveries, Inventions, and Rationalization Proposals.

The patenting abroad of inventions made in the USSR and of inventions made abroad by Soviet citizens, as well as any transfer of a Soviet invention abroad, is permitted only in the manner prescribed by the Council of Ministers of the USSR.

Article 521. Use of an invention for which an inventor's certificate has been issued

In those cases in which an inventor's certificate has been issued for an invention, the right to use the invention belongs to the state, which undertakes to utilize the invention, taking into account the practicability of its application.

Cooperative and public organizations may use inventions applicable within their spheres of activity on the same terms as state organizations.

An inventor to whom an inventor's certificate has been issued, in the event of the utilization of his invention, has a right to remuneration based on the economic or other positive effects obtained through its utilization, as well as a right to benefits in accordance with the Statute on Discoveries, Inventions and Rationalization Proposals.

Article 522. Rights of a patentee

A patent is issued for a period of 15 years, calculated from the date of filing of an application. The right of an applicant is protected from the same date. No one may use an invention without the consent of the person to whom the patent belongs (the patentee). A patentee may give permission (a license) for the use of his invention or may assign his patent to another.

An organization which, before the filing of an application with respect to an invention, has applied such invention within the territory of the USSR independently of the inventor, or has made all of the necessary preparations for so doing, retains the right to continue

to use the invention without payment. Disputes on this question are decided through a judicial proceeding.

In those cases in which an invention is of special importance to the state, but in which agreement is not reached with the patentee concerning transfer of the patent or the granting of a license, upon decision of the Council of Ministers of the USSR there may be either a compulsory purchase of the patent or an appropriate organization may be given permission to use the invention, with the establishment of remuneration for the patentee.

Article 523. Rights of the author of a rationalization proposal

The author of a rationalization proposal accepted for utilization is issued a certificate which establishes his authorship. He has a right to remuneration in relation to the economies or other positive effects which result from the utilization of his proposal, and a right to benefits in accordance with the Statute on Discoveries, Inventions and Rationalization Proposals.

Article 524. Participation of an inventor or a rationalizer in the utilization of a proposal

Inventors and rationalizers must actively cooperate in the application and further development of their proposals, and have a right to participate in the work connected with such utilization, in the manner provided by the Statute on Discoveries, Inventions, and Rationalization Proposals.

Article 525. Transfer by inheritance of the rights of an inventor or author of a rationalization proposal

The right to obtain an inventor's certificate or a patent on an invention, a rationalization-proposal certificate, and remuneration for an invention or rationalization proposal, as well as the exclusive right to a patented invention, passes by inheritance in the manner prescribed by law.

Article 526. Disputes over authorship and payment of remuneration

Disputes over authorship (co-authorship) of an invention are decided by a court. A court likewise decides disputes concerning the priority of rationalization proposals if such disputes have not been settled within the organization which utilizes the proposal.

Disputes concerning the amount, manner of calculation and dates of payment of remuneration for inventions and rationalization proposals are decided in the manner provided by the Statute on Discoveries, Inventions and Rationalization Proposals, and an inventor or rationalizer who considers the decision adopted to be incorrect may apply to a court.