

## Monaco

### Legal basis

Law No. 606 of 20 June 1955.

### Grounds for applying for a licence

The judicial authority must investigate the case and ascertain that the patent has not been used or licensed in any way during a period of three years.

The abuse of monopoly may also justify the grant of a compulsory licence.

### General procedure

The competent authority to grant a compulsory licence is the Court of First Instance (*tribunal de première instance*).

The requesting party appoints a bailiff to file a claim on his behalf before the Court to the right holder and the National Intellectual Property Office. The claim must contain the evidence that in the context of an amicable request, the right holder refused to grant a licence to the requesting party.

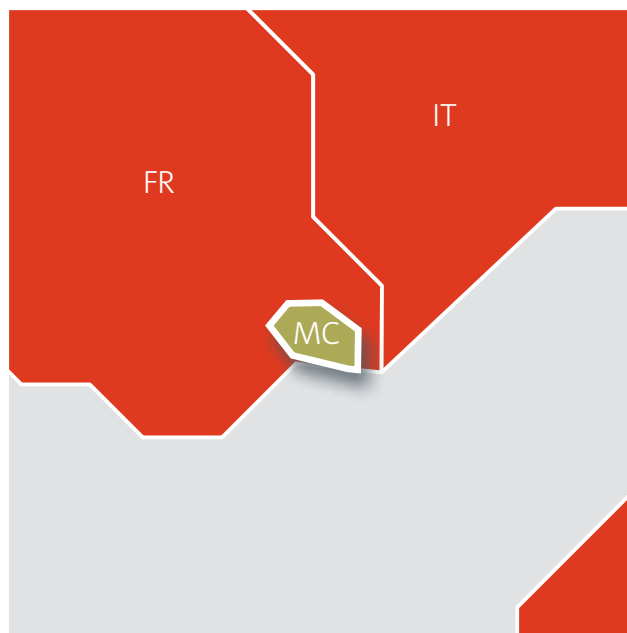
The public prosecutor is also part of the procedure.

The representative of the intellectual property office may also join the debates or, if it deems it appropriate, inform the judicial authority of his position.

The judicial authority lays down the conditions of the compulsory licence, including its term and the amount of the licence fee. According to Arts. 35 and 36 of the Law No. 606, upon request of a Party (right holder or licence holder), the judicial authority may review the compulsory licensing conditions after adversarial proceedings during which the parties may discuss the conditions of the compulsory licensing.

The Court of First Instance and, on appeal, the Court of Appeal have discretion as to the terms of the compulsory licence.

The procedure for requesting a review of the licence conditions is the same as the procedure requesting a compulsory licence (see above).



### Appeal/review

The decision may be appealed before the Court of Appeal.

### Statistics and jurisprudence

There are no official statistics on the application of compulsory licences in Monaco, nor any published jurisprudence.

