# Transfer of utility model

The owner of a utility model may transfer the utility model to another person (Utility Models Act § 42 ). In the event of the death of the owner of a utility model or dissolution of an owner who is a legal person, the utility model will transfer to a successor or a legal successor.

In order to register the transfer of rights, the owner or the person to whom the utility model is transferred will file a corresponding application and a document certifying payment of the state fee with the Patent Office. If the application is filed by the person to whom the utility model is transferred, the person will enclose with the application reliable documents certifying the transfer (Utility Models Act § 42 (3)).

The transfer application must be filed within one year after the date of transfer of the utility model set in the transaction or after the date of creation of legal succession. If the utility model is transferred pursuant to a court judgment, the application must be filed within one month after the date on which the judgment enters into force. If the terms specified in this subsection are disregarded, the registration is deemed to be invalid.

A utility model is deemed to be transferred to another person as of the date of transfer of the utility model determined by the transaction or court judgment or the date of creation of legal succession.

A registry entry becomes valid on the date on which it is made. A person to whom a utility model is transferred may commence use of the rights of the owner of the utility model as of the date on which the entry of transfer becomes valid.

A registry entry will have legal effect with regard to a third person as of the date on which a notice of the making of the registry entry is published in the official gazette of the Patent Office.

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❍ No
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