

Conditions	Restrictions ¹	Scope and duration	Obligation	Procedure	Revocation or modification
<p>- Only if at the time of the request, the patent had not been exploited or if the exploitation of the invention had been suspended for more than a year.</p> <p>- A compulsory license will only be granted when whoever requests it has previously tried to obtain a license from the owner of the patent, on reasonable commercial terms and conditions, and this attempt would not have taken effect within a reasonable period.</p>	<p>- Will not be exclusive and sub-licenses cannot be granted;</p> <p>- They can only be transferred with part of the company or its intangible asset that allows its industrial exploitation;</p> <p>- Uses are mainly to supply the internal market.</p>	<p>The competent national office shall establish the scope or extension of the license, specifying the period for which it is granted, the purpose of the license, the amount, and the conditions of financial compensation.</p>	<p>The licensee shall be obliged to exploit the invention within a period of two years from the date of granting of the license, unless it justifies its inaction for reasons of fortuitous event or force majeure. Otherwise, at the request of the patent holder, the competent national office will revoke the compulsory license.</p>	<p>The granting of compulsory licenses, will proceed with prior notification to the patent holder, so that within the next sixty days can assert its arguments.</p> <p>The challenge of the compulsory license will not prevent exploitation or exert any influence on the terms that are running. Its filing will not prevent the patent owner from receiving, in the meantime, the financial compensation determined by the competent national office, in the unclaimed part.</p>	<p>It may be revoked if the circumstances that gave rise to it have disappeared and are not likely to re-emerge.</p> <p>At the request of the patent owner or licensee, the conditions of compulsory licenses may be modified by the competent national office when new facts justify it and, in particular, when the patent owner grants another license under more favorable conditions than those established.</p>

¹ Article 68 – Decision 486

(...)

e) in the case of patents for invention that protect semiconductor technology, the compulsory license shall be granted only for public, non-commercial use or to remedy or rectify a practice declared contrary to free competition by the competent national authority under Articles 65 and 66;