

Metodology

Introduction

This publication contains overall results of statistical survey Lic5-01 on number of licence agreements (with specification whether is it licence agreement on patent, utility mode or some other), new licence agreements, financial expenses on mentioned licence agreements and assignation country of contract partner. The Czech Statistical Office collected licence agreements data by way of survey VTR 5-01³ in years 1995-2002. This questionnaire contained the sections that were concerned with licence agreements. Because of improve the quality of statistical units selection, the survey was split into two separate questionnaires in 2003. Licences indicators are collected by annual statistical questionnaire Lic5-01 since 2003. This questionnaire is comprehensive and is included in the Statistical surveys program.

Reporting units include subjects buying or selling licences protecting industrial property. Sample of statistical units was summoning in two phases. In the first phase was summoned the sample defined by report VTR5-01 for 2002 (from sections relevant to licences), by report P 5-01⁴ for 2002 (from queries relevant to valuable rights) and by data of Industrial Property Office of the Czech republic (subjects, that registered licence agreement in the register IPO). In the second phase was summoned the sample of statistical units defined by report P5-01 for 2003 (from queries relevant to licences).

A reporting duty for ANNUL REPORT ON LICENCES IN 2003 was legitimized in Promulgation of Czech statistical office, which was published in 19. November 2002 in the Statistical surveys program Act. No 163 Coll.

Methodology of indicators

Licence agreement is one of the possibility, how to use in commerce intangible industrial rights and intellectual property. There are several criteria how to make out licences. Basic division is according if we are providing subject of licence - **active licence** – or if we are acquiring subject of licence - **passive licence**. We are distinguishing licence agreements for **exclusive licence** (The assignee is sole owner of provided rights in the agreed territory and provider is not entitled to make others contracts with third party, that could violate a right of the acquirer.) and **non-exclusive licence** (The provider reserve the right to contract the comparable licence agreements with another partners in the agreed territory. Except alienee of the licence agreement, another licensee will use the same subject of a contract. The licensee has not special-privilege of monopoly as in case of exclusive licence). By the subject of licence agreements we can differentiate **patent licences** (subject of the licence is invention protected by patent, including licence agreements on utility models, industrial design...), **trademark licences** (subject of the licence is a provision of the right to use trademark), **know-how licences** (subject of the licence is variety of technical and technological improvement and production experience, which could not be subject of patent protection) and **mixed agreements** (most widespread type of licence agreement - subject of the licence is a combination of licence, supplies, etc.).

Licence agreement is a provision of the right to get (purchase) or to provide (sale) in the agreed extent and in the agreed territory. Licence agreements are concluded in written form to protect invention, utility model, industrial design, topography of semiconductor products, new varieties of plants and new breeds of animals or trademarks. The provider qualifies assignee to exercise of industrial property rights in the agreed extent and in the agreed territory and assignee pledges himself to provide definite payment or other asset value. Licence agreement come into force towards the third party when registered in the register of Industrial Property Office of the Czech republic (IPO).

A patent is an exclusive right granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem. A patent provides protection for the invention to the owner of the patent. A patent is issued by the IPO or some other national or international patent office. The term of a new patent is usually 20 years from the date of the patent's issuance. The applicant must disclose how his invention works in sufficient detail. When a patent is granted, the applicant

³ "Annual Questionnaire on Research and Development 2002" (VTR5-01) is a mandatory survey as it is included in the Statistical surveys program. This questionnaire is a part of this Statistical surveys program. All legal and natural persons who carry out R&D (or their local units - working places devoted to R&D) as their primary or secondary activities despite their size were included in the reporting units. By this survey were collected research and development indicators in the Czech Republic.

⁴ "Annual Questionnaire P 5-01 is annual statistical survey taken in enterprises with prevailing industrial activities. It is a mandatory survey as it is included in the Statistical surveys program. This questionnaire is a part of this Statistical surveys program. The basic reporting unit of statistics on industry is the enterprise - i.e. a legal person or a natural person in the position of entrepreneur. The population/sample of enterprises under survey is structured by industries (CZ-NACE two-character codes) and enterprise size groups. This annual structural survey is the only survey that provides results for the industry as a whole, disregarding the size or legal form of the enterprise.

becomes the owner of the patent. Like any other form of property, a patent can be bought, sold, licensed or mortgaged.

An utility model protects particularly technical solutions, the inventor's level which does not comply with strict preconditions for granting the patent, but its technical level exceeds the scope of the mere professional skill, and also if there is an interest to obtain a quicker and cheaper protection, or if the technical solution was made public in advance (of course under certain conditions), and it is not possible to protect it by means of the patent.

Industrial design is intended to protect the ornamental and cosmetic aspects of products – but not their function. The disclosure and description of the invention in a design application is entirely in the drawing form and not written.

A semiconductor products topography is a set of correlated drawings, however drawn up or codified, showing a three-dimensional diagram of the layers making up a semiconductor product. Each drawing of this set wholly or partly reproduces a surface of the semiconductor products at any stage of its manufacture.

New variety of plants and new breeds of animals is protected by breeding certificate issued by the Ministry of Agriculture.

The trademark is a verbal, pictorial, spatial or combined marking which is able to distinguish products or services of various producers or providers of services, and which is registered in the Register of Trade Marks. The owner of the trademark is entitled, due to his exclusive right, to dispose the trademark of, to provide the right of its temporary utilization by means of a licence contract.