

The Article 2358 - 2370 of the Act No. 89/2012 of Coll., the Civil Code

License

Subsection 1

General Provisions

§ 2358

Basic Provisions

(1) The license agreement provides the licensee to exercise the right of intellectual property rights (license) at the named limited or unlimited in scope and the licensee agrees, unless otherwise agreed, give the provider fee.

(2) The contract must be in writing,

a) where a license is exclusive or

b) if the licenses to be entered into the public list.

(3) Licence to the subject of industrial property registered in the public list is effective against third persons entry in this list.

§ 2359

(1) The licensee is not obliged to use the license, unless the duration of the right depends on its performance.

(2) The provider maintains for the duration of the license law, if required by its nature.

§ 2360

Exclusive or nonexclusive license

(1) If the subject of an agreement exclusive license, the provider is allowed to provide the same license to a third party as long as it takes an exclusive license. Unless expressly agreed otherwise, shall refrain from provider and law enforcement, which grants exclusive license.

(2) Where a provider for the duration of the exclusive license of the licensee without the consent in writing given to a third party license, the license does not arise. However, if the non-exclusive license granted before granting an exclusive license, remains unchanged.

§ 2361

If the subject of an agreement non-exclusive license, the provider is entitled to exercise the right, which granted a nonexclusive license, and grant licenses to third parties.

§ 2362

Unless expressly agreed an exclusive license is valid, it is a non-exclusive license.

§ 2363

Sublicense

Licensee may license forming part of the license to a third party in whole or in part, only if this was stipulated in the license agreement.

§ 2364

(1) The licensee may license to a third party in whole or in part without the consent of the provider. Consent must be in writing.

(2) The licensee shall notify the provider without undue delay, a license assigned, the assignee and the person.

§ 2365

He was transferred to the plant or in part, representing a separate component, the agreement of providers to transfer the license shall be required only if this was specifically agreed.

§ 2366

Reward

(1) Unless agreed amount of remuneration or the method of determining the contract is still valid if

a) the behavior of the parties on the conclusion of the treaty will enter into a contract for pecuniary interest without determining the amount of remuneration, in which case the purchaser will pay the provider fee in the amount that is customary at the time of contract under similar terms and for such a right, or

b) the parties in the contract ujednají that the license free of charge.

(2) If the amount of remuneration negotiated in dependence on revenues from the use of license, the transferee provider to check the accounting records or other documentation to determine the actual amount of remuneration. Where a purchaser provider following information identified by the licensee as confidential, the provider may disclose to third parties nor use it for their needs conflict with the purpose for which it was provided.

(3) The licensee shall submit regular billing provider remuneration referred to in paragraph 2 ujednaných times, if not stated otherwise, it shall do so at least once a year.

§ 2367

Provider shall provide the licensee without unreasonable delay after the conclusion of any document or information necessary to exercise license.

§ 2368

(1) The transferee concealing documents from third parties, and communications which he received from the provider, unless the contract or the nature of documents and messages that the provider has no interest in their concealment. Third person is not an employee or one who participates in the business of business, if an entrepreneur was bound to secrecy.

(2) Upon termination of the license granted to the purchaser returns the documents, communications conceal until they become generally known.

§ 2369

If there is a threat to or breach of license acquirer, the acquirer shall advise the provider without undue delay as soon as it learns. Provider will provide assistance to the assignee the legal protection of his license.

§ 2370

Statement

If the contract is concluded for an indefinite period, the denunciation shall take effect one year after the end of the calendar month in which the notice reached the other side.