### ANNEX II

**CATEGORIES OF DIFFERENT PROVISIONS ON SPECIFIC FLEXIBILITIES**

(1) **Compulsory Licenses**

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<td>Albania</td>
<td>Articles 50-51 of the Industrial Property Law no. 9977 of 07/07/2008</td>
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<td>Andorra</td>
<td>Article 34 of the Patent Act of 10/06/1999</td>
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<td>Antigua and Barbuda</td>
<td>Sections 13-14 of the Patent Act No. 23 of 2003</td>
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<td>Articles 42-50 of the Patents Act No. 24.481 of 1996 as amended by Law 24.572 T.O</td>
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<td>Australia</td>
<td>Sections 133-135 and 163-170 of the Patents Act no. 83 of 30/10/1990 as last amended by Law No. 106 of 2006</td>
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<td>Austria (EU)</td>
<td>Sections 36-42 of the Patents Law 1970, BGBl. No. 259/1970 as last amended in 2001 (Consolidated version of 2010 not available in English)</td>
<td>Yes</td>
<td>Yes</td>
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<td>Barbados</td>
<td>Articles 49 and 50 of the Patents Act no. 18 of 26/07/2001</td>
<td>Yes</td>
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<td>Article 38 of the Law no. 160-Z of 16/12/2002</td>
<td>Yes</td>
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<td>Articles 31-38 of the Patents Act of 28/03/1984, consolidation of 01/01/2010</td>
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<td>Articles 38 and 39 of the Patents Act, Chapter 253, of 21/06/2000</td>
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<td>Section 15 of the Industrial Property Act of 2001</td>
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<td>Sections 31 of the Industrial Property Act no. 14 of 1996</td>
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<td><strong>Brazil</strong></td>
<td>Articles 68-74 of the Industrial Property Law No. 9.279 of 14/05/1996 as last amended by Law No. 10.196 of 14/02/2001</td>
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<td>Articles 32, 32a, 66, 74c of the Patents Act No. 27/2 of 1993 as last amended by Law No. 59/20 of July 2007</td>
<td>Yes</td>
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<td><strong>Canada</strong></td>
<td>Sections 19, 21 and 65 of the Patents Act (R.S., 1985, c. P-4) (Act current to 21/01/2010)</td>
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<td><strong>Chile</strong></td>
<td>Articles 51 – 51 bis D of the Industrial Property Law No. 19.039 of 24/01/1991 as last revised in 2005</td>
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<td><strong>China</strong></td>
<td>Articles 48-58 of the Patents Law of 12/03/1984 as last amended on 27/12/2008 and State Intellectual Property Office Order # 37 of November 2005</td>
<td>Yes</td>
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<td>Croatia</td>
<td>Articles 67a-69h of the Patents Law No. 173/2003 as last amended by Act No. 76/2007</td>
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<td>Cuba</td>
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<td>Cyprus (EU)</td>
<td>Articles 49-56 of the Patent Law No. 16(1)of 01/04/1998 (consolidate version of 2006 not available in English)</td>
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<td>Czech Republic (EU)</td>
<td>Section 20 of the Law on Inventions, Industrial Designs and Rationalization Proposals No. 527 of 27/11/1990 as last amended by Act No. 207/2000 Coll. and by Act No. 378/2007</td>
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<td>Denmark (EU)</td>
<td>Sections 45-50 of the Consolidate Patent Act No. 91 of 28/01/2009</td>
<td>Yes</td>
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<td>Dominica</td>
<td>Sections 35, 38 and 39 of the Patent Act No. 8 of 7/10/1999</td>
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<td>Dominican Republic</td>
<td>Articles 39-48 of the Law No. 20-00 on Industrial Property of 18/04/2000</td>
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<td>Section 47 of the Patent Act of 16/03/1994 as last amended on 10/03/2004</td>
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<td>Ethiopia</td>
<td>Sections 29-33 of the Proclamation of the Industrial Property Law No. 123 of the 10/05/1995</td>
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<td>Sections 45-50 of the Patents Act No. 550 of 15/12/1967 as last amended by Act 684/2006</td>
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<td>Articles L. 613-11 – L. 613-20 of the Intellectual Property Code, Law No. 92-597 of 01/07/1992 as last amended by Law No. 2007-1540 and sections R613-4 to R613-42 of the Regulation part</td>
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<td>Georgia</td>
<td>Sections 61-62 of the Patent Law of 05/02/1999</td>
<td>Yes</td>
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<td>Germany (EU)</td>
<td>Sections 13, 24 and 81-85a of the Patent Law of 16/12/1980 (as last amended in 2009)</td>
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<td>Sections 45-52 of the Patents Law No. 305A of 30/12/1992</td>
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<td>Greece (EU)</td>
<td>Articles 13-14 of the Law on “Technology transfer, inventions and technological innovation” No. 1733 of 1987</td>
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<td>Grenada</td>
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<td>Guatemala</td>
<td>Articles 134-138 of the Industrial Property Law No. 57 of 18/09/2000 and sections 78-79 of the Government Decision No. 89-2002, Regulations under the Industrial Property Law</td>
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<td>Articles 31-33A and 83A-83H of the Law on the Protection of Inventions by Patents No. XXXIII of 1995, (Consolidated text of 01.10.2009)</td>
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<td>Yes</td>
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<td>Sections 82-94 and 99-103 of the Patent Act No. 39 of 1970 as last amended in 2005</td>
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<td>Articles 74 – 87 and 99-103 of the Patent Law No. 14 of 01/08/2001</td>
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<td>Articles 70-73, 115 and 119 of the Industrial Property Code, Legislative Decree no. 30 of 15/02/2005</td>
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<td>Jordan</td>
<td>Articles 22-26 of the Law on Patents No. 32 of 1999 as last amended by Law No. 71 of 2001</td>
<td>Yes</td>
<td>Not explicitly provided</td>
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<td>Kazakhstan</td>
<td>Article 4 (4-5) and Article 14(6) of the Patent Law no.427 of 16/07/1999</td>
<td>Yes</td>
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<td>Kenya</td>
<td>Sections 72-78 and 80 of the Industrial Property Act No. 3 of 27/07/2001</td>
<td>Yes</td>
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<td>Lao People’s Democratic Republic</td>
<td>Sections 53 and 54 of the Intellectual Property Law of 14/01/2008</td>
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<td>Lebanon</td>
<td>Articles 32-39 of the Patents Law No. 240 of 07/08/2000</td>
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<td>Libyan Arab Jamahiriya</td>
<td>Articles 23, 28, 29 and 30 of the Law on Patents and Industrial Designs and Models No. 8 of 1959</td>
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<td>Articles 38-39 of the Patent Law No. I-372 of 18/01/1994 as last amended by Law No. X-1119 of 10/05/2007</td>
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<td>Articles 59-60 and 62-63 bis of the Patent Act of 20/07/1992</td>
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<td>Yes</td>
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<td>Malaysia</td>
<td>Sections 49-54 and 84 of the Patents Act No. 291 of 1983 as last amended in 2006</td>
<td>Yes</td>
<td>Yes</td>
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<td>Malta (EU)</td>
<td>Articles 39-40 of the Patents and Designs Act, Chapter 417, of 01/06/2002 as amended by Acts IX of 2003 and XVIII of 2005</td>
<td>Yes</td>
<td>Yes</td>
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<td>Mauritius</td>
<td>Sections 23-24 of the Patents, Industrial Designs and Trademarks Act No. 25 of 2002</td>
<td>Yes</td>
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<td>Mexico</td>
<td>Articles 70-77 of the Industrial Property Law of 25/06/1991, consolidated version of 2005</td>
<td>Yes</td>
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<td>Article 20 of the Patent Law of 25/06/1993, as last amended in 1997</td>
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<td>Morocco</td>
<td>Articles 25-39 of the Law No. 17-97 concerning Protection of Industrial Property as implemented by the Decree No. 2-00-368 of 07/06/2004</td>
<td>Yes</td>
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<td>Mozambique</td>
<td>Articles 83, 85-88 of the Industrial Property Code, Decree No.4 of 12/04/2006</td>
<td>Yes</td>
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<td>Namibia</td>
<td>Section 19 of the Industrial Property Bill of 1999</td>
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<td>Netherlands (EU)</td>
<td>Articles 57-60 and 80 of the Patents Act of 15/12/1995 (Text as it applies on 03/06/2009) and Policy Rules on issuing compulsory licenses pursuant to WTO decision WT/L/540, of 23/12/2004</td>
<td>Yes</td>
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<td>Sections 46, 48 and 54-58C of the Patents Act No 64 of 1953 (as at 01/08/2008)</td>
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<td>Sections 51-56 of the Industrial Property Law No. 354 of 19/09/2000</td>
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<td>Nigeria</td>
<td>Section 11 of the Industrial Property Act (Chapter 344) No. 60 of 1970 (version of 1990 not available)</td>
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<td>Sections 45-50a of the Patents Acts No. 9 of December 15, 1967 and Sections 107-108 of the Patent Regulations No. 1162 of 20/12/1996(as last amended by Act No.80 of 29/06/2007)</td>
<td>Yes</td>
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<td>Sections 1 and 15-20 of the Royal Decree No. 82/2000 Promulgating the Patent Law</td>
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<td>Pakistan</td>
<td>Sections 58 and 59 of the Patents Ordinance No. LXI of 02/12/2000 as amended in 2002 and Section 44 of the Patents Rules of 31/12/2003</td>
<td>Yes</td>
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<td>Sections 32-36 of the Industrial Property Act no. 30 of 19/07/2000 and Section 27 of the Patents and Industrial Designs Regulation No. 5 of 2002</td>
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<td>Paraguay</td>
<td>Articles 42-50 of the Patents Law No. 1630 of 29/11/2000 and 27-31 of the Decree No. 14.201 regulating Law No. 1630/00 on Patents of inventions</td>
<td>Yes</td>
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<td>Sections 93-102 of the Intellectual Property Code, Act No. 8293 of 06/06/1997 as last amended by Act No. 9502 of 2008</td>
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<td>Yes</td>
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<td>Portugal (EU)</td>
<td>Articles 106-112 of the Industrial Property Code (approved by Decree-Law No. 36 of 05/03/2003 as last amended by Law No. 16 of 01/04/2008)</td>
<td>Yes</td>
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<td>Articles 107-114 and 138 of the Patent Act promulgated on by Military Act No. 950 on 28/11/1949, as last amended by Act No. 9381 of 30/01/2009</td>
<td>Yes</td>
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<td>Articles 28-30 of the Law on the protection of Inventions No. 50-XVI of 07/03/2008</td>
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<td>Articles 46-50 of the Patent Law no. 64/1991 as republished in the OJ, No. 456/18.VI.2008</td>
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<td>Russian Federation</td>
<td>Articles 1360 and 1362 of the Patent Act (Chapter 72)</td>
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<td>Sections 51-61 of the Patents Act No. 16 of 27/08/2001</td>
<td>Yes</td>
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<td>Sections 55-62 and 97 of the Patents Act No. 21 of 25/11/1994 as of 01/12/2008</td>
<td>Yes</td>
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<td>Articles 27-28 of the Act No. 435/2001 Coll. on Patents, Supplementary Protection Certificates as last amended by Act No. 517/2007 Coll.</td>
<td>Yes</td>
<td>Yes (for plant variety)</td>
<td>Yes (only in case of semiconductors)</td>
<td>Yes</td>
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<td>Slovenia (EU)</td>
<td>Articles 125-127 of the Industrial Property Act of 23/05/2001 as last amended on 06/02/2006</td>
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<td>Yes</td>
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<td>Sections 55-56 of the Patents Act No. 57 of 1978 as last amended by Act No. 58 of 2002</td>
<td>Yes</td>
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<td>Articles 83-107 of the Law about Patents of Invention and Utility Models No. 11 of 20/03/1986 as last amended by Law No. 10 of 29/04/2002</td>
<td>Yes</td>
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<td>Sri Lanka</td>
<td>Section 86 of the Intellectual property Act No. 36 of 2003</td>
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<td>Swaziland</td>
<td>Section 12 paragraph 6 of the Patents, Utility Models and Industrial Designs Act No. 6 of 1997</td>
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<td>Sections 44-50 of the Patents Act no. 837 of 01/12/1967 as last amended by Law No. 159 of 01/04/2004</td>
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<td>Switzerland</td>
<td>Articles 36-40e of the Federal Patents Law of 25/06/1954 as last amended on 01/07/2009 and sections 111-111c of the Patents Regulation of 19 October 1977, as last amended on 01/09/2008</td>
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<td>Thailand</td>
<td>Sections 45-52 and 74 of the Patent Act B.E. 2522 of 11/03/1979 as amended by the Patent Act (No.2) B.E. 2535 and the Patent Act (No.3) B.E. 2542</td>
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<td>The former Yugoslav Republic of Macedonia</td>
<td>Articles 97-115 of the Law on Industrial Property No. 07-1006/1 of 12/02/2009</td>
<td>Yes</td>
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<td>Sections 13 and 15 of the Industrial Property Act No. 19 of 09/11/1994</td>
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<td>Trinidad and Tobago</td>
<td>Sections 46-48 of the Patents Act No. 21 of 1996</td>
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<td>Articles 69-81 of the Patents Law No. 2000-84 of 24/08/2000</td>
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<td>Articles 79, 93 and 96-120 of the Decree-Law No. 551 of 27/06/1995 on the Protection of Patent Rights and Sections 39, 40 and 43 of the Implementing Regulations under Decree-Law No. 551 pertaining to the Protection of Patent Rights, including Amended Regulation of 06/12/1998</td>
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<td>Article 38 of the Patent Act No. 867-XII of 1710/1993</td>
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<td>Article 30 of the Law on the Protection of Rights to Inventions and Utility Models No. 3687-XII of 15/12/1993 as last amended in 2003</td>
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<td>United Arab Emirates</td>
<td>Articles 24-35 of the Law No. 17 of 2002 pertaining to the Industrial Regulation and Protection of Patents, Industrial Drawings, and Designs</td>
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<td>Articles 50-80 of the Law No. 17.164 of 13/01/2000 Regulating Rights and Obligations Relating to Patents, Utility Models and Industrial Designs</td>
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<td>Uzbekistan</td>
<td>Article 32 of the Law on Inventions, Utility Models and Industrial Designs of 29/08/2002: Compulsory licenses would be granted in the cases provided for by legislation</td>
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<td>Articles 132, 133, 135, 136,137 and 145-147 of the Law on Intellectual Property No. 50/2005/QH11 of 29/11/2005</td>
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<td>Articles 61-69 of the Decision No. 486 of September 14, 2000 of the Commission of the Andean Community - Common Industrial Property Regime (Cartagena Agreement)</td>
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<td>Regulation (EC) No 816/2006 of the European Parliament and of the Council of 17/05/2006 on the compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems</td>
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<td>Article 20 (7) of the Law on Patents and Utility Models No. 27/2 of 18/03/1993 as last amended in 2007</td>
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<td>Article 68 (1) a ) of the Industrial Property Code, legislative Decree no. 30 of 10/02/2005</td>
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<td>Kazakhstan</td>
<td>Section 58 (1) of the Industrial Property Act No. 3 of 27/07/2001</td>
<td>Section 54 (2) of the Industrial Property, Act No. 3 of 27/07/2001</td>
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<td>Kyrgyzstan</td>
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<td>Section 20 no.2 of the Patent Law adopted on 15/02/2007</td>
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<td>Lebanon</td>
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<td>Section 37 (1A) of the Patents Act of 1983 as last amended in 2006</td>
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<td>Malta (EU)</td>
<td>Article 27 (6) lett. b) of the Patents and Designs Act, Chapter 417, of 01/06/2002, as last amended by Act XVIII of 2005</td>
<td>Article 27 (6) lett. d) of the Patents and Designs Act, Chapter 417, of 01/06/2002, as last amended by Act XVIII of 2005</td>
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<td>Section 21 (4) (d) of the Patents, Industrial Designs and Trademarks Act of 2002</td>
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<td>Article 55 b) of the Industrial Property Law No. 17-97of 1997 as implemented by the Decree No. 2-00-368 of 07/06/2004</td>
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<td>Article 68 no. 1 of the Industrial Property Code, Decree No. 4 of 12/04/2006</td>
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<td>Namibia</td>
<td>Section 17 (3) c) of the Unified Bill on Intellectual Property Rights of 1999</td>
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<td>Section 53 (3) of the Patents Act of 15/12/1994 (Text as it applies on 03/06/2009)</td>
<td>Section 53 (4) of the Patents Act of 15/12/1994 (Text as it applies on 03/06/2009)</td>
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<td>Article 46 a) and b) of the Law on Patents, Utility Models and Industrial Design No. 354 of 19/09/2000</td>
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<td>Section 3 (3) no. 3 of the patent Act No. 9 of 15712/1967 (as last amended by Act No. 80 of 29/06/2007)</td>
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<td>Section 29 (4) c9 of the Patent and Industrial Act no. 30 of 19/07/2000</td>
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<td>Article 102 c) of the Industrial Property Code, Decree-Law No. 36 of 05/03/2003 as last amended by -Law No. 16 of 01/04/2008</td>
<td>Article 102 c) of the Industrial Property Code, Decree-Law No. 36 of 05/03/2003 as last amended by -Law No. 16 of 01/04/2008</td>
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<td>Republic of Moldova</td>
<td>Article 22 (1) b) of the Law on the protection of Inventions No. 50-XVI of 07/03/2008</td>
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<td>Article 80 (1) c) of the Patent Law No. 64/1991 as republished in the Official Gazette of Romania No. 456/18.VI.2008</td>
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<td>Section 66 (2) b) of the Patent Act (Chapter 221) No. 21 of 25/11/1994 as of 01/12/2008</td>
<td>Section 66 (2) h) of the Patent Act (Chapter 221) No. 21 of 25/11/1994 as of 01/12/2008</td>
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<td>Article 53 (b) of the Decision No. 486 of 14/09/2000 of the Commission of the Andean Community</td>
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### Gulf Cooperation Council

**Research exception**: Section 14 (1) of the Patent Regulation of the GCC (approved by the Supreme Council of the Cooperation Council for the Arab States of the Gulf) of 1992 (as at 23/04/2002)

### OAPI

**Research exception**: Article 8 (1) c) of the Bangui Agreement of 02/03/1977 (Annex I), as last amended in February 1999
(4) Utility Models

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<th>Exclusions from utility model protection</th>
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<tr>
<td>Albania</td>
<td>a) Inventions which are patentable according to this Law;</td>
<td>Novelty, industrial application and creative effort</td>
<td>Processes, animal and plant varieties</td>
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<td>b) Inventions which are new, susceptible of industrial application and</td>
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<td>are the result of a creative effort</td>
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<td>Antigua and Barbuda</td>
<td>No specific provision</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
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<td>Argentina</td>
<td>Toda disposición o forma nueva obtenida o introducida en herramientas,</td>
<td>Novelty, and industrial application</td>
<td>The same of patents</td>
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<td>instrumentos de trabajo, utensilios, dispositivos u objetos conocidos que se</td>
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<td>presten a un trabajo práctico, en cuanto importen una mejor utilización en la</td>
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<td>función a que estén destinados, conferirán a su creador el derecho exclusivo de explotación, que se</td>
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<td>justificará por títulos denominados certificados de modelos de utilidad</td>
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<td>Armenia</td>
<td>Any new and industrially applicable solution that concerns a production</td>
<td>Novelty and industrial application</td>
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<td>(equipment, material) or a method (condition for patentability of utility</td>
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<td>-Chemical or pharmaceutical substances or means, as well as</td>
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<td>model) shall be protected as a utility model in the order established by the</td>
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<td>methods of human and animal curing</td>
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<td>Law</td>
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<td>(+ the same of patents)</td>
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| Australia        | No specific provision                                                | Novelty, innovative step, usefulness, not secretly used in the patent area before the priority date | - Human being and biological process for their generation  
- Plants and animals  
- Biological processes for the generation of plants and animals |
| Austria (EU)     | No specific provision                                                | Novelty, inventive step, industrial application                                          | - Inventions contrary to ordre public or morality  
- Methods for treatment of humans by surgery or therapy and diagnostic methods  
- Plant or animal varieties |
| Belarus          | A technical solution relating to a device shall constitute a utility model eligible for legal protection under this Law if it is novel and industrially applicable | Novelty, industrial application                                                        | – Solutions concerning solely the outward appearance of manufactured articles and intended to satisfy aesthetic requirements;  
– Solutions contrary to public interest, humanitarian principles or morality |
| Belize           | No specific provision                                                | Novelty and industrial application                                                      | The same of patents                                                                                   |
| Botswana         | No specific provision                                                | Novelty and industrial application                                                      | The same of patents                                                                                   |
| Brazil           | An object of practical use, or part thereof, is patentable as a utility model, when it is susceptible of industrial | Novelty, industrial application and inventive act                                      | The following are not considered to be inventions or utility models:  
I. discoveries, scientific theories, and |
### Country | Notion | Requirements of protection | Exclusions from utility model protection
---|---|---|---
<p>| | application, presents a new shape or arrangement and involves an inventive act that results in a functional improvement in its use or manufacture | | mathematical methods; II. purely abstract conceptions; III. commercial, accounting, financial, educational, advertising, raffling, and inspection schemes, plans, principles or methods; IV. literary, architectural, artistic and scientific works, or any aesthetic creation; V. computer programs per se; VI. presentation of information; VII. rules of games; VIII. surgical techniques and methods, as well as therapeutic or diagnostic methods, for application to human or animal body; and IX. all or part of natural living beings and biological materials found in nature, even if isolated therefrom, including the genome or germplasm of any natural living being, and the natural biological processes |
| Bulgaria (EU) | No specific provision | Novelty, inventive step and industrial application | - Biological inventions - Methods - Chemicals compounds or the use thereof + the same of patents |
| Chile | los instrumentos, aparatos, herramientas, dispositivos y objetos o partes de los mismos, en los que la | Novelty and industrial application | The same of patents |</p>
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<td><strong>China</strong></td>
<td>forma sea reivindicable, tanto en su aspecto externo como en su funcionamiento, y siempre que ésta produzca una utilidad, esto es, que aporte a la función a que son destinados un beneficio, ventaja o efecto técnico que antes no tenía</td>
<td>Novelty, inventiveness and usefulness</td>
<td>- Scientific discoveries;</td>
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<td>- Rules and methods for mental activities;</td>
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<td>- Methods for the diagnosis or for the treatment of disease;</td>
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<td>- Animal and plant varieties;</td>
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<td>- Substances obtained by means of nuclear transformation;</td>
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<td>- Two dimensional designs of images, colours or combinations of the two mainly serve as indicators.</td>
</tr>
<tr>
<td><strong>Costa Rica</strong></td>
<td>Toda nueva disposición o forma obtenida o introducida en herramientas, instrumentos de trabajo o utensilios conocidos, que permitan una mejor función o una función especial para su uso</td>
<td>Not specific provision</td>
<td>The same of patents</td>
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<td>Requirements of protection</td>
<td>Exclusions from utility model protection</td>
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</tr>
<tr>
<td>Czech Republic (EU)</td>
<td>Technical solutions which are new, exceed the framework of mere professional skill and are industrially applicable</td>
<td>Novelty, exceeding the framework of professional skill and industrial application</td>
<td>- Discoveries, scientific theories and mathematical methods; - The mere appearance of products; - Schemes, rules and methods for performing mental acts; - Computer programs; - The mere presentation of information - Technical solutions contrary to public interest, particularly the principles of humanity and public morality; - Plant or animal varieties and biological reproductive materials; - Production processes or work activities</td>
</tr>
<tr>
<td>Denmark (EU)</td>
<td>Any creation which is susceptible of industrial application or which provides a solution to a technical problem may on application, in accordance with this Act, be registered as a utility model</td>
<td>Novelty and industrial application</td>
<td>(i) One of the items referred to in section 1, (2) to (4), in the Danish Patents Act, (ii) plants or animals, (iii) war materiel or (iv) methods, cf. however section 47 of this Act</td>
</tr>
<tr>
<td>Dominica</td>
<td>No specific provision</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Country</td>
<td>Notion</td>
<td>Requirements of protection</td>
<td>Exclusions from utility model protection</td>
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</tbody>
</table>
| Dominican Republic | Any new form, configuration or arrangement of elements of any device, tool, instrument, mechanism or other object, or some part of the same, which permits better or different functioning, utilization or manufacture of the object incorporating it, or which gives it some utility, advantage or technical effect it did not have before. | Novelty                    | - Procedures  
- Chemical, metallurgical or any other kind of substances or compounds  
- Items excluded from protection by invention patent invention pursuant to this law. |
<p>| Egypt            | Any new technical addition in the structure or composition of devices, tools, equipment or their components, or products, processes or means of manufacturing the above, and the like that is in current use.                   | Novelty and technical addition (deduced from the notion) | Not specific provision                                                          |
| El Salvador      | Any shape, configuration or arrangement of elements of any artefact, tool, instrument, mechanism or other object, or of any part thereof, that makes for the better or different operation, use or manufacture of the object incorporating it, or which lends it some usefulness, advantage or technical effect that it did not have previously. | Novelty                    | Not specific provision                                                          |</p>
<table>
<thead>
<tr>
<th>Country</th>
<th>Notion</th>
<th>Requirements of protection</th>
<th>Exclusions from utility model protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estonia (EU)</td>
<td>No specific provision</td>
<td>Novelty, inventive step and industrial application</td>
<td>- Inventions which are contrary to public order and morality;</td>
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<td>- Methods of treatment and diagnostic methods practised on the human or animal body;</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>- Biotechnological inventions</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>No specific provision</td>
<td>Novelty and industrial application</td>
<td>1. Changes in the shape, proportions or material of a patented object or of one that is public property, except where such a change alters the qualities or functions of the object thereby producing an improvement in its use or the effects of its intended functions;</td>
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<td></td>
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<td>2. The mere replacement of elements in a known combination by other known elements having an equivalent function, which does not thereby produce an improvement in its use or the effect of its intended functions; or</td>
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<td></td>
<td>3. Minor inventions that are contrary to public order or morality.</td>
</tr>
<tr>
<td>Finland (EU)</td>
<td>A technical solution that is commercially exploitable.</td>
<td>Novelty</td>
<td>- Inventions the exploitation of which would be contrary to morality or public policy;</td>
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<td>- Plant or animal varieties; or</td>
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<td></td>
<td>- Processes.</td>
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<td></td>
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<td></td>
<td>+ The same of patents</td>
</tr>
<tr>
<td>France (EU)</td>
<td>No specific provision</td>
<td>Novelty, inventive step, industrial application</td>
<td>The same of patents</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Country</th>
<th>Notion</th>
<th>Requirements of protection</th>
<th>Exclusions from utility model protection</th>
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</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>By a patent shall be protected such a utility model, which relates to</td>
<td>Novelty and industrial application</td>
<td>- A discovery, scientific theory, or mathematical method;</td>
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<td></td>
<td>improved devices, substances, or methods and satisfies the criteria of</td>
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<td>- A result of artistic design;</td>
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<td></td>
<td>novelty and industrial applicability</td>
<td></td>
<td>- Algorithms and programs for computers;</td>
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<td>- Education, teaching method and systems;</td>
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<td>- Grammatical system of language, also methods for performing mental acts, rules for games or doing business.</td>
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<td>- Economical organization and managing method;</td>
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<td></td>
<td>- Plan and scheme of structures, buildings, territories;</td>
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<td>- A presentation of the information;</td>
</tr>
<tr>
<td>Germany (EU)</td>
<td>No specific provision</td>
<td>Novelty, inventive step and industrial</td>
<td>- Inventions the publication or exploitation of which would be contrary to public policy or morality,</td>
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<td></td>
<td></td>
<td>application</td>
<td>provided that the exploitation shall not be deemed to be so contrary merely because it is prohibited by</td>
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<td>law or regulation. The first sentence above shall not exclude protection of an invention falling under</td>
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<td></td>
<td>Section 9;</td>
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<td></td>
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<td></td>
<td>- Plant or animal varieties;</td>
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<td></td>
<td>- Processes.</td>
</tr>
<tr>
<td>Ghana</td>
<td>A certificate granted in a case where the invention although new and</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
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<td>useful would be considered obvious from the point of view of a person</td>
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<td>skilled in the</td>
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<tr>
<td>Country</td>
<td>Notion</td>
<td>Requirements of protection</td>
<td>Exclusions from utility model protection</td>
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</tr>
<tr>
<td>Greece (EU)</td>
<td>Novel and industrially applicable three-dimensional object with definite shape and form, such as a tool, an instrument, a device, an apparatus or even parts thereof, proposed as novel and industrially applicable and capable of giving a solution to a technical problem</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Guatemala</td>
<td>Se considerarán modelos de utilidad los utensilios, objetos, aparatos, instrumentos, herramientas y dispositivos, así como las partes de los mismos, que como resultado de una modificación en su disposición, configuración, estructura o forma, presenten una función diferente respecto de las partes que lo integran o ventajas en cuanto a su utilidad</td>
<td>Novelty and industrial application</td>
<td>- Los procedimientos; - Las sustancias o composiciones; y - La materia excluida de patentabilidad de conformidad con esta ley.</td>
</tr>
<tr>
<td>Honduras</td>
<td>Cualquier forma, configuración o disposición de elementos de algún artefacto, herramienta, instrumento, mecanismo u otro objeto, o de alguna parte del mismo, que permita un mejor o diferente funcionamiento, utilización o fabricación del objeto que lo incorpora, o que le proporcione alguna utilidad, ventaja o efecto técnico que antes no tenía</td>
<td>Novelty and industrial application</td>
<td>- Los procedimientos; - Las sustancias o composiciones química, metalúrgicas o de cualquier otra índole; y, - La materia excluida de protección por patente de invención de conformidad con esta Ley.</td>
</tr>
<tr>
<td>Country</td>
<td>Notion</td>
<td>Requirements of protection</td>
<td>Exclusions from utility model protection</td>
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</tr>
<tr>
<td>Hungary (EU)</td>
<td>Any solution relating to the configuration or construction of an article or to the arrangement of parts thereof (hereinafter referred to as &quot;a utility model&quot;) which is new, involves an inventive step and is susceptible of industrial application</td>
<td>Novelty, inventive step and industrial application                                             - The aesthetic design of an article; - Plant varieties and animal breeds.</td>
<td></td>
</tr>
<tr>
<td>Indonesia</td>
<td>Any Invention in the form of a product or device, which is novel and possesses practical use values because of its shape, configuration, construction, or component may be granted a legal protection in the form of a Simple Patent</td>
<td>Novelty</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Ireland (EU)</td>
<td>No specific provision</td>
<td>Novelty, industrial application and inventive step (provided it is not clearly lacking of)</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Italy (EU)</td>
<td>Nuovi modelli atti a conferire particolare efficacia o comodità di applicazione o di impiego a macchine, o parti di esse, strumenti, utensili od oggetti di uso in genere, quali i nuovi modelli consistenti in particolari conformazioni, disposizioni, configurazioni o combinazioni di parti</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Country</td>
<td>Notion</td>
<td>Requirements of protection</td>
<td>Exclusions from utility model protection</td>
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</tr>
<tr>
<td>Japan</td>
<td>A device that relates to the shape or structure of an article or combination of articles and is industrially applicable</td>
<td>Novelty, inventive step (a person ordinarily skilled in the art of the device would have not been exceedingly easy to create the device) and industrial application</td>
<td>Not specific provision</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>Utility models shall be construed as inventions that impart a new construction to means of production and consumer articles or parts thereof</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Kenya</td>
<td>Any form, configuration or disposition of element of some appliance, utensil, tool, electrical and electronic circuitry, instrument, handicraft mechanism or other object or any part of the same allowing a better or different functioning, use, or manufacture of the subject matter or that gives some utility, advantage, environmental benefit, saving or technical effect not available in Kenya before and includes micro-organisms or other self replicable material, products of genetic resources, herbal as well as nutritional formulations which give new effects</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Kyrgyzstan</td>
<td>No specific provision</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Country</td>
<td>Notion</td>
<td>Requirements of protection</td>
<td>Exclusions from utility model protection</td>
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</table>
| Lao People’s Democratic Republic | “Petty patent” is an official document from state organization issued to protect devices. “Device” is newly invented work derived from the technical development using technology not high as invention | Novelty, inventive step and industrial application (but technical level lower than the inventions) | - Discovery of inventions already existing  
- Discovery of scientific rules and theories  
- Mathematics  
- Business plans  
- Regulations or methods  
- Mental treatments or gambles  
- Human and animal treatment  
- Microorganisms and any component of natural microorganisms or extract from animals or plants  
- the invention and devices contrary to state peace and social order, health, environments, rules and laws, and national good traditional cultures |
<p>| Malaysia                      | Any innovation which creates a new product or process, or any new improvement of a known product or process, which is capable of industrial application, and includes an invention | Novelty and industrial application                                                        | The same of patents                                                                                     |
| Mexico                        | Objects, utensils, appliances or tools which, as a result of a modification in their arrangement, configuration, structure or form, offer a different function with respect to their component parts or advantages with respect to their usefulness shall be considered utility models | Novelty and industrial application                                                        | Not specific provision                                                                                 |</p>
<table>
<thead>
<tr>
<th>Country</th>
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<th>Exclusions from utility model protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mongolia</td>
<td>An industrial device, product, their basic part, and a new, industrially applicable solution</td>
<td>Not specific provision</td>
<td>Not specific provision</td>
</tr>
<tr>
<td>Mozambique</td>
<td>An invention that gives an object or part of an object a shape, structure, mechanism or layout which functionally increases its utility or improves the conditions of its manufacture</td>
<td>Novelty, inventive step and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Namibia</td>
<td>No specific provision</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>An invention consisting of a shape, configuration or arrangement of the components of any object, or of a part thereof, that gives it a certain technical effect in its manufacture, operation or use</td>
<td>Novelty and industrial application</td>
<td>- Processes;</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>- Chemical, metallurgical or any other substances or compositions;</td>
</tr>
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<td></td>
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<td></td>
<td>- Subject matter excluded from invention patent protection under this Law.</td>
</tr>
<tr>
<td>Panama</td>
<td>Any shape, configuration or arrangement of the components of any appliance, tool, instrument, mechanism or other object, or any part thereof, that makes for the better or different operation, use or manufacture of the object incorporating it, or lends it any usefulness, advantage or technical effect that it did not have previously</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Country</td>
<td>Notion</td>
<td>Requirements of protection</td>
<td>Exclusions from utility model protection</td>
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</tbody>
</table>
| Paraguay | Invención constituida por una forma, configuración o disposición de elementos de un artefacto, herramienta, instrumento, mecanismo u otro objeto, o de alguna parte del mismo, que permita un mejor o diferente funcionamiento, utilización o fabricación del objeto que lo incorpora, o que le proporcione alguna utilidad o efecto técnico que antes no tenía | Novelty and industrial application | - Los procedimientos;  
- Las sustancias o composiciones químicas, metalúrgicas o de cualquier otra índole; y,  
- La materia excluida de protección por patente de invención de conformidad con esta ley. |
<table>
<thead>
<tr>
<th>Country</th>
<th>Notion</th>
<th>Requirements of protection</th>
<th>Exclusions from utility model protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philippines</td>
<td>Any technical solution of a problem in any field of human activity. A utility model may be, or may relate to (a) a useful machine; (b) an implement or tool; (c) a product or composition; (d) a method or process; or (e) an improvement of any of the foregoing</td>
<td>Novelty and industrially applicable</td>
<td>- Discoveries, scientific theories and mathematical method; - Schemes, rules and methods of performing mental acts, playing games or doing business, and programs for computers; - Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practiced on the human or animal body. This provision shall not apply to products and compositions for use in any of these methods; - Plant varieties or animal breeds or essentially biological process for the production of plants or animals. This provision shall not apply to microorganisms and non-biological and microbiological processes; - Aesthetic creations; and - Anything which is contrary to public order or morality</td>
</tr>
<tr>
<td>Poland (EU)</td>
<td>Any new and useful solution of a technical nature affecting shape, construction or durable assembly of an object shall constitute a utility model</td>
<td>Novelty and usefulness</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Country</td>
<td>Notion</td>
<td>Requirements of protection</td>
<td>Exclusions from utility model protection</td>
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<tr>
<td>Portugal (EU)</td>
<td>No specific provision</td>
<td>Novelty, inventive step and industrial application</td>
<td>- Inventions whose commercial exploitation is against the law or contrary to public policy, public health or morality and their exploitation may not be considered as such due to the simple fact that it is forbidden by law or regulations; - Inventions involving biological material; - Inventions involving chemical or pharmaceutical substances or processes. + The same of patents</td>
</tr>
<tr>
<td>Republic of Korea</td>
<td>Devices that are industrially applicable and relate to the shape or structure of an article or a combination of articles</td>
<td>Novelty, inventive step and industrial application</td>
<td>- Devices that are identical or similar to the national flag or decorations; or - Devices liable to contravene public order or morality, or to injure public health. + The same of patents</td>
</tr>
<tr>
<td>Republic of Moldova</td>
<td>No specific provision</td>
<td>Novelty, inventive step and industrial application</td>
<td>- Biological material; - Chemical or pharmaceutical substances and/or processes + The same of patents</td>
</tr>
<tr>
<td>Country</td>
<td>Notion</td>
<td>Requirements of protection</td>
<td>Exclusions from utility model protection</td>
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</tr>
<tr>
<td>Romania (EU)</td>
<td>No specific provision</td>
<td>Novelty, inventive step (exceeding the framework of mere professional skill) and industrial application</td>
<td>The following shall not be protected as utility models:</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>a) inventions the commercial exploitation of which would be contrary to public order or morality, including inventions harmful to the health or life of persons, animals or plants or which are likely to seriously harm the environment, provided that said exception shall not depend merely on the fact that exploitation thereof is prohibited by a legal provision;</td>
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<td></td>
<td>b) plant varieties and animal breeds;</td>
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<td>c) inventions having as a subject-matter biological material;</td>
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<td></td>
<td>d) inventions having as a subject-matter a product consisting of a chemical or pharmaceutical substance;</td>
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<td>e) inventions having as a subject-matter a process or a method</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>A technical solution relating to a device</td>
<td>Novelty and industrial application</td>
<td>Legal protection as utility models shall not be granted to:</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>1) proposals concerning solely the outward appearance of manufactured articles and intended to satisfy aesthetic requirements;2) layout-designs (topographies) of integrated circuits</td>
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<tr>
<td>Country</td>
<td>Notion</td>
<td>Requirements of protection</td>
<td>Exclusions from utility model protection</td>
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<tr>
<td>Serbia</td>
<td>No specific provision</td>
<td>Novelty, inventive step and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Country</td>
<td>Notion</td>
<td>Requirements of protection</td>
<td>Exclusions from utility model protection</td>
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</tr>
<tr>
<td>Slovakia (EU)</td>
<td>Technical solution, which is new, is a result of an inventive activity, and is industrially applicable, shall be protected as a utility model</td>
<td>Novelty, inventive activity, industrial application</td>
<td>- Technical solutions commercial exploitation of which would be in contradiction with public order or good manners; prohibition of a technical solution exploitation as such shall not be considered to be in contradiction with public order or good manners within the meaning of this provision;</td>
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<td></td>
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<td></td>
<td>- Plant and animal varieties;</td>
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<td>- Essentially biological processes for production of plants or animals;</td>
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<td>- Methods of surgical or therapeutic treatment of human or animal body and diagnostic methods and methods of diseases prevention used on a human or animal body;</td>
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<td>- Technical solutions concerning products consisting of biological material or containing biological material or a process by means of which the biological material is produced, processed or used;</td>
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<td>- Methods for production of chemical substances;</td>
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<td>- Methods for production of pharmaceutical substances; and</td>
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<td>- Medical use of substances and compositions of substances</td>
</tr>
<tr>
<td>Country</td>
<td>Notion</td>
<td>Requirements of protection</td>
<td>Exclusions from utility model protection</td>
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<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Slovenia (EU)</td>
<td>No specific provision</td>
<td>Novelty, creative effort and industrial application</td>
<td>Processes, plant varieties and animal breeds</td>
</tr>
<tr>
<td>Spain (EU)</td>
<td>las invenciones que, siendo nuevas e implicando una actividad inventiva, consisten en dar a un objeto una configuración, estructura o constitución de la que resulte alguna ventaja prácticamente apreciable para su uso o fabricación</td>
<td>Novelty, industrial application and inventive activity</td>
<td>Inventions having as a subject-matter a process and plant varieties</td>
</tr>
<tr>
<td>Swaziland</td>
<td>No specific provision</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Thailand</td>
<td>No specific provision</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Tonga</td>
<td>No specific provision</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td>No specific provision</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Country</td>
<td>Notion</td>
<td>Requirements of protection</td>
<td>Exclusions from utility model protection</td>
</tr>
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<td>Turkey</td>
<td>Inventions which are novel according to Article 156 of this present Decree-Law and applicable in industry in the sense of Article 10 of this present Decree-Law shall be protected by grant of Utility Model Certificate</td>
<td>Novelty and industrial application</td>
<td>Processes and products obtained by such processes and chemical products + the same of patents</td>
</tr>
<tr>
<td>Uganda</td>
<td>No specific provision</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
<tr>
<td>Ukraine</td>
<td>A result of intellectual activity of a human being in any field of technology</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
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</tbody>
</table>
| United Arab Emirates  | A deed of protection being issued by the Administration of Industrial Property in the name of this state for an invention that does not result from intellectual effort sufficient for granting a letters patent | Novelty and industrial application | - Plant varieties, animal species, or biological methods of producing plants or animals. Exceptions shall be allowed for the microbiological methods and their products.  
- Diagnostic methods, treatments, and surgical operations needed for humans and animals.  
- Scientific and Mathematical principles, discoveries and methods.  
- Guides, rules or methods followed to conduct business or perform mental activities or play games.  
- Invention that may lead to violation of the public order or morals |
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<td>United Republic of Tanzania</td>
<td>No specific provision</td>
<td>Novelty and industrial application</td>
<td>The same of patents</td>
</tr>
</tbody>
</table>
| Uruguay                  | Toda nueva disposición o conformación obtenida o introducida en herramientas, instrumentos de trabajo, utensilios, dispositivos, equipos u otros objetos conocidos, que importen una mejor utilización o un mejor resultado en la función a que están destinados, u otra ventaja para su uso o fabricación | Novelty and minimum inventive activity          | - Los cambios de forma, dimensiones, proporciones o material de un objeto, ano ser que tales cambios modifiquen sus cualidades o funciones;  
- La simple sustitución de elementos por otros ya conocidos como equivalentes;  
- Los procedimientos;  
- La materia excluida de protección por patente de invención de conformidad con la presente ley |
<p>| Uzbekistan               | No specific provision                                                   | Novelty and industrial application              | The same of patents                               |
| Viet Nam                 | No specific provision                                                   | Novelty and industrial application              | The same of patents                               |</p>
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</thead>
<tbody>
<tr>
<td>Andean Community</td>
<td>Any new shape, configuration or arrangement of components of any device, tool, implement, mechanism or other object, or any part thereof, that makes for improved or different operation, use or manufacture of the object incorporating it, or which endows it with any usefulness, advantage or technical effect that it did not have previously</td>
<td>Not specific provision</td>
<td>Procedures and materials excluded from patent protection</td>
</tr>
<tr>
<td>ARIPO</td>
<td>Any form, configuration or disposition of elements of some appliance, working tools and implements as articles of everyday use, electrical and electronic circuitry or other object or part thereof in so far as they are capable of contributing some benefit or new effect or saving in time, energy, or labour or improving the hygienic or sociophysiological working conditions by means of new configuration, arrangement or device or a combination thereof and are industrially applicable</td>
<td>Novelty and industrial application</td>
<td>No specific provision</td>
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<td>OAPI</td>
<td>Implements of work or objects to be utilized or parts of such implements or objects in so far as they are useful for the work or employment for which they are intended on account for a new configuration, a new arrangement or a new component device, and are industrially applicable</td>
<td>Novelty and industrial application</td>
<td>Three-dimensional works, architectural works and objects that are of solely aesthetic character shall not be considered utility models. Procedures and materials excluded from patent protection may not be the subject of utility model patents</td>
</tr>
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[End of Annex II and of document]