



WORLD INTELLECTUAL PROPERTY ORGANIZATION

COMPARATIVE ANALYSIS OF CERTAIN ASPECTS OF PATENT SYSTEMS

SURVEY

This survey is being undertaken with a view toward enhancing statistics analysis. We would very much appreciate if you could take 20 to 25 minutes to complete the following questionnaire and return it to WIPO by **April 8, 2005**. Your response will help us to understand better your national patent system and so be in a better position to analyse patent statistics in the future.

Please provide the following contact information in order for us to contact the person responsible for filling the questionnaire if needed:

Name of the Office:

Person to contact:

Name: _____

Title: _____

Department: _____

Tel: _____

E-mail: _____

1. **TYPES OF PROTECTION**

- *What are the different types of protection for inventions in your country/region?*

Patents for invention
 Utility models
 Others Please state which one:

2. **TERM OF PROTECTION**

- *What is the term of protection of a patent, utility model or any other right identified under question 1 in your country/region?*

PATENTS	UTILITY MODELS	OTHERS: _____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- *Does your country provide for patent term extension?*

Yes No

- *If yes, on what grounds?*

Regulatory approval for pharmaceuticals
 Regulatory approval for agricultural chemicals
 Others Please state:

- *Was there any change in your national law during the last 15 years regarding the term of protection of patent, utility model or any other right identified under question 1?*

Yes No *If positive, please indicate:*

Date of entry into force: _____

3. **SUBJECT MATTER**

- *Please specify what kind of subject matter is excluded from patentability or not considered to be an invention under the applicable law?*

	Excluded	Not considered inventions	Comment
Discoveries	<input type="checkbox"/>	<input type="checkbox"/>	_____
Scientific theories/mathematical methods	<input type="checkbox"/>	<input type="checkbox"/>	_____
Aesthetic creations	<input type="checkbox"/>	<input type="checkbox"/>	_____
Mental acts	<input type="checkbox"/>	<input type="checkbox"/>	_____
Presentation of information	<input type="checkbox"/>	<input type="checkbox"/>	_____
Computer programs	<input type="checkbox"/>	<input type="checkbox"/>	_____
Business methods	<input type="checkbox"/>	<input type="checkbox"/>	_____
Isolated parts of human beings	<input type="checkbox"/>	<input type="checkbox"/>	_____
Animals	<input type="checkbox"/>	<input type="checkbox"/>	_____
Plants	<input type="checkbox"/>	<input type="checkbox"/>	_____
Plant and animal varieties	<input type="checkbox"/>	<input type="checkbox"/>	_____
Nucleotide and/or amino acid sequences	<input type="checkbox"/>	<input type="checkbox"/>	_____
Traditional knowledge	<input type="checkbox"/>	<input type="checkbox"/>	_____
Diagnostic, therapeutic and surgical methods for the treatment of humans and animals	<input type="checkbox"/>	<input type="checkbox"/>	_____
Inventions contrary to morality/public order	<input type="checkbox"/>	<input type="checkbox"/>	_____
Pharmaceutical products	<input type="checkbox"/>	<input type="checkbox"/>	_____
Others:			_____ _____

- *Was there any change in your national law during the last 15 years regarding exclusions from patentability?*

Yes No

If positive, please indicate:

Date of entry into force: _____

4. **LANGUAGE**

- *Is it possible for the applicant to file an application in languages other than an official language?*

Yes No

- *If yes, what is the time limit to provide translation into an official language?*

- *Was there any change in your national law during the last 15 years regarding language requirements?*

Yes No

If positive, please indicate:

Date of entry into force: _____

6. **LINK BETWEEN DIFFERENT INVENTIONS IN THE SAME APPLICATION**

- *Does the applicable law of your country/region require the claims in a patent application to relate to a single invention only, or does it allow, on certain conditions, that the claims relate to a group of inventions (for example, applying unity of invention, a requirement for restriction or any other such standard)?*

A single invention only

A group of inventions allowed

Please specify the applicable standard: _____

- *Was there any change in your national law during the last 15 years regarding such standard?*

Yes

No

If positive, please indicate:

Date of entry into force: _____

7. **PUBLICATION**

- *In your country/region, when is the information related to the application published or open for public access?*

- 18 months from the date of filing or from the priority date
- When the patent is granted
- Both
- Other (ex: PCT national phase)

Please provide comments if appropriate:

- *Was there any change in your national law during the last 15 years regarding publication ?*

Yes No

If positive, please indicate:

Date of entry into force: _____

8. **CLASSIFICATION**

- *Which patent classification system does your country/region use?*

- International Patent Classification
- National Patent Classification
- Others Please state which one:

9. **SEARCH AND EXAMINATION**

- *Does the applicable law of your country/region establish a substantive search and examination system? If not, please go to Question 10.*

Yes No

- *In your country/region, are search and examination combined or separated?*

Combined Separated

- *Does the filing of an application in your country/region automatically imply a request for search and examination or is the applicant required to request separately such a search or examination?*

PATENTS	UTILITY MODELS	OTHERS (cf Question 1): _____
Automatic search (if separate from examination) <input type="checkbox"/>	Automatic search (if separate from examination) <input type="checkbox"/>	Automatic search (if separate from examination) <input type="checkbox"/>
Automatic examination <input type="checkbox"/>	Automatic examination <input type="checkbox"/>	Automatic examination <input type="checkbox"/>
Search on request (if separate from examination) <input type="checkbox"/>	Search on request (if separate from examination) <input type="checkbox"/>	Search on request (if separate from examination) <input type="checkbox"/>
Examination on request (if separate from search) <input type="checkbox"/>	Examination on request (if separate from search) <input type="checkbox"/>	Examination on request (if separate from search) <input type="checkbox"/>
Search and Examination on combined request <input type="checkbox"/>	Search and Examination on combined request <input type="checkbox"/>	Search and Examination on combined request <input type="checkbox"/>

- *If the applicant is required to request separately search, when must he/she do so? What are the consequences of not requesting search within the required time limit?*

PATENTS	UTILITY MODELS	OTHERS (cf Question 1): _____

- *If the applicant is required to request separately examination, when must he/she do so? What are the consequences of not requesting examination within the required time limit?*

PATENTS	UTILITY MODELS	OTHERS (cf Question 1): _____
_____ _____ _____ _____ _____	_____ _____ _____ _____ _____	_____ _____ _____ _____ _____

- *Please specify what is examined during the examination procedure:*

PATENTS	UTILITY MODELS	OTHERS (cf Question 1): _____
Novelty <input type="checkbox"/> Inventive step/non obviousness <input type="checkbox"/> Industrial applicability/utility <input type="checkbox"/> Others <input type="checkbox"/> Please state which ones:	Novelty <input type="checkbox"/> Inventive step/non obviousness <input type="checkbox"/> Industrial applicability/utility <input type="checkbox"/> Others <input type="checkbox"/> Please state which ones:	Novelty <input type="checkbox"/> Inventive step/non obviousness <input type="checkbox"/> Industrial applicability/utility <input type="checkbox"/> Others <input type="checkbox"/> Please state which ones:
_____ _____ _____ _____ _____ _____ _____	_____ _____ _____ _____ _____ _____ _____	_____ _____ _____ _____ _____ _____ _____

10. **PATENT OWNERSHIP**

- *Is there a law governing ownership of patents derived from public (government) research funding?*

Yes No

- *If yes, please specify:*

- *Was there any change in your national law during the last 15 years regarding patent ownership ?*

Yes No

If positive, please indicate:

Date of entry into force: _____

11. **RESTRICTIONS ON PATENT RIGHTS**

- *Does your country/region provide the following exceptions to the exclusive rights conferred by a patent?*

- Private use
- Compulsory licenses
- Governmental use
- Research and/or experimental exception
- Preparation of medicines in accordance with medical prescriptions by physicians
- Clinical trials for the purpose of obtaining a generic drug's regulatory approval (Bolar provision)
- Prior user's right
- Others (please specify)

- *Was there any change in your national law during the last 15 years regarding the above restrictions?*

Yes No

If positive, please indicate:

Date of entry into force: _____

12. **CHALLENGE**

- *What are the different options to challenge a patent, a utility model or any right identified under Question 1 in your country/region?*

PATENTS	UTILITY MODELS	OTHERS (cf Question 1):
Pre-grant administrative procedure (e.g., opposition, reexamination) <input type="checkbox"/> What is the time limit? _____ _____	Pre-grant administrative procedure (e.g., opposition, reexamination) <input type="checkbox"/> What is the time limit? _____ _____	Pre-grant administrative procedure (e.g., opposition, reexamination) <input type="checkbox"/> What is the time limit? _____ _____
Post-grant administrative/quasi judicial procedure (e.g., opposition, reexamination) <input type="checkbox"/> What is the time limit? _____ _____	Post-grant administrative/quasi judicial procedure (e.g., opposition, reexamination) <input type="checkbox"/> What is the time limit? _____ _____	Post-grant administrative/quasi judicial procedure (e.g., opposition, reexamination) <input type="checkbox"/> What is the time limit? _____ _____
Court Procedure <input type="checkbox"/>	Court Procedure <input type="checkbox"/>	Court Procedure <input type="checkbox"/>
Other <input type="checkbox"/> Please state: _____ _____ _____ _____	Other <input type="checkbox"/> Please state: _____ _____ _____ _____	Other <input type="checkbox"/> Please state: _____ _____ _____ _____

- *Was there any change in your national law during the last 15 years regarding challenge procedures?*

Yes No

If positive, please indicate:

Date of entry into force: _____

Thank you for your time!

For any questions, do not hesitate to contact us. Please return the questionnaire to:

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