

**CROATIA**

*Status as of May 2005*

<b>FEATURES</b>	<b>STATUS</b>	<b>CHANGES IN LAWS SINCE 1990</b>
<b>Types of protection for inventions</b>	<ul style="list-style-type: none"> <li>• Patents</li> <li>• Consensual patents (without substantive examination)</li> </ul>	N.A
<b>Term of protection</b>	<ul style="list-style-type: none"> <li>• Patents: 20 years</li> <li>• Consensual patents: 10 years</li>   <li>• Extension of patent term is not possible.</li> </ul>	January 1, 2000 – Introduction of the consensual patent concept.
<b>Subject matters excluded from patentability or not considered to be inventions</b>	<ul style="list-style-type: none"> <li>• The following subject matters are excluded from patentability:               <ul style="list-style-type: none"> <li>- Isolated parts of human beings</li> <li>- Animals</li> <li>- Plants</li> <li>- Plant and animal varieties</li> <li>- Diagnostic, therapeutic and surgical methods for the treatment of humans and animals</li> <li>- Inventions contrary to morality/public order</li> </ul> </li>   <li>• The following subject matters are not considered to be inventions:               <ul style="list-style-type: none"> <li>- Discoveries</li> <li>- Scientific theories/mathematical methods</li> <li>- Aesthetic creations</li> <li>- Mental acts</li> <li>- Presentation of information</li> <li>- Computer programs</li> <li>- Business methods</li> </ul> </li> </ul>	<p>January 1, 2004 – The law specified that the human body, at the various stages of its formation and development, and the simple discovery of one of its elements, including the sequence or partial sequence of a gene are excluded from patentability.</p> <p>January 1, 1993 – Before that date, pharmaceutical products were excluded from patentability.</p>
<b>Filing language</b>	<ul style="list-style-type: none"> <li>• Filing an application in languages other than an official language is possible. The time limit to provide translation into an official language is 2 months from the date of receipt of the invitation.</li> </ul>	No
<b>Certain requirements relating to filing</b>	<ul style="list-style-type: none"> <li>• The inventor rarely waives his right to be mentioned in the patent.</li> </ul>	No
	<ul style="list-style-type: none"> <li>• It is not possible to file provisional applications.</li> </ul>	
	<ul style="list-style-type: none"> <li>• The most frequent route used by foreign applicants to file patent applications is the PCT procedure (Patent Cooperation Treaty).</li> </ul>	

<b>Link between different inventions in the same application</b>	<ul style="list-style-type: none"> <li>The applicable law allows that the claims in a patent application relate to a group of inventions, so linked as to form a single inventive concept.</li> </ul>	No
<b>Publication</b>	<ul style="list-style-type: none"> <li>The information related to the application is published or open for public access 18 months from the date of filing or from the priority date.</li> </ul>	No
<b>Classification system</b>	<ul style="list-style-type: none"> <li>The patent classification system used is the International Patent Classification (IPC) system.</li> </ul>	N.A
<b>Search and examination</b>	<ul style="list-style-type: none"> <li>The applicable law establishes a substantive search and examination system for patents.</li> <li>Search and examination are combined. The filing of an application does not automatically imply a search. The applicant is required to request an examination within 6 months from the date of publication of the patent application in the Official Gazette. If he does not do so, the application is deemed withdrawn. Upon that request, both search and examination are carrying out at the same time.</li> <li>During the examination procedure, the following criteria are examined: <ul style="list-style-type: none"> <li>- Novelty</li> <li>- Inventive step</li> <li>- Industrial applicability</li> </ul> </li> <li>For consensual patents, there is no search, and no examination (unless an opposition is initiated). If an opposition procedure is initiated, the applicant is then required to request for a substantive examination. If the applicant fails to do so, the application is deemed rejected.</li> </ul>	N.A
<b>Specific legal provision regarding ownership of patents derived from public (government) research funding</b>	<ul style="list-style-type: none"> <li>No</li> </ul>	No

<p><b>Exceptions to exclusive rights conferred by a patent</b></p>	<ul style="list-style-type: none"> <li>• There are exceptions to the exclusive rights conferred by a patent as follows: <ul style="list-style-type: none"> <li>- Private use</li> <li>- Compulsory licenses</li> <li>- Governmental use</li> <li>- Research and/or experimental exception</li> <li>- Preparation of medicines in accordance with medical prescriptions by physicians</li> <li>- Clinical trials for the purpose of obtaining a generic drug's regulatory approval</li> <li>- Prior user's right</li> </ul> </li> </ul>	<p>No</p>
<p><b>Options to challenge a patent</b></p>	<ul style="list-style-type: none"> <li>• There are different options to challenge: <ul style="list-style-type: none"> <li>- A patent, through a post-grant administrative procedure: (i) administrative procedure against the decisions of the Office within 1 month from the day of receipt of the decision; (ii) revocation procedure within no time limit.</li> <li>- A consensual patent, through a pre-grant administrative procedure (opposition) within 6 months from the publication of the request for the grant of a consensual patent.</li> </ul> </li> </ul>	<p>No</p>