

**CZECH REPUBLIC**

*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>• Utility models</li> <li>• Supplementary protection certificates</li> </ul>	N.A
<b>Term of protection</b>	<ul style="list-style-type: none"> <li>• Patents: 20 years</li> <li>• Utility models: 4 years (can be extended twice, 3 years each)</li> <li>• Supplementary protection certificates: 5 years max.</li> <li>• Extension of patent term is possible on the following grounds:               <ul style="list-style-type: none"> <li>- Regulatory approval for pharmaceuticals</li> <li>- Regulatory approval for agricultural chemicals</li> </ul> </li> </ul>	<p>May 10, 2000 – Introduction of protection for supplementary certificates.</p> <p>October 26, 1992 – Introduction of protection for utility models.</p> <p>January 1, 1991 – Extension of the term of protection for patents from 15 to 20 years.</p>
<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>- Traditional knowledge</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>	October 1, 2000 – Introduction of regulations regarding biotechnological inventions.
<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 (this time limit can be extended on request)</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> <li>• It is not possible to file provisional applications.</li> <li>• The most frequent route used by foreign applicants to file patent applications is the PCT procedure (Patent Cooperation Treaty).</li> </ul>	No
<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 general inventive concept. The applicable standard is the unity of invention.</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 and when the patent is granted.</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.</li> <li>• Search and examination are combined. The patent applicant is required to request the examination within 36 months from the filing date. If the applicant does not do so, the application is deemed withdrawn. There is no search nor examination for utility models.</li> <li>• During the examination procedure for patents, the following criteria are examined: <ul style="list-style-type: none"> <li>- Novelty</li> <li>- Inventive step/non obviousness</li> <li>- Industrial applicability/utility</li> </ul> </li> </ul>	N.A
<b>Specific legal provision regarding ownership of patents derived from public (government) research funding</b>	<p>Yes. The Support of Research and Development Act stipulates that if an invention is derived from public research funding, provisions on the employee's inventions are applicable.</p>	July 1, 2002 – Introduction of the Support of Research and Development Act.

<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>- 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 the following options to challenge: <ul style="list-style-type: none"> <li>- Patents <ul style="list-style-type: none"> <li>Pre-grant administrative procedure: Observations on patentability of subject matter (no time limit)</li> <li>Post-grant administrative/quasi judicial procedure: Revocation (no time limit)</li> <li>Court procedure</li> </ul> </li> <li>- Utility models <ul style="list-style-type: none"> <li>Post-grant administrative/quasi judicial procedure: Cancellation</li> <li>Court procedure</li> </ul> </li> <li>- Supplementary protection certificates <ul style="list-style-type: none"> <li>Post-grant administrative/quasi judicial procedure: Revocation (no time limit)</li> <li>Court procedure</li> </ul> </li> </ul> </li> </ul>	<p>1992 – Introduction of Regulations regarding the cancellation of utility models.</p>