

DENMARK

Status as of May 2005

FEATURES	STATUS	CHANGES IN LAWS SINCE 1990
Types of protection for inventions	<ul style="list-style-type: none">• Patents• Utility models	N.A
Term of protection	<ul style="list-style-type: none">• Patents: 20 years• Utility models: 10 years • Extension of patent term is possible on the following grounds:<ul style="list-style-type: none">- Regulatory approval for pharmaceuticals- Regulatory approval for agricultural chemicals	No
Subject matters excluded from patentability or not considered to be inventions	<ul style="list-style-type: none">• The following subject matters are excluded from patentability:<ul style="list-style-type: none">- Plant and animals varieties- Inventions contrary to morality/public order • The following subject matters are not considered to be inventions:<ul style="list-style-type: none">- Discoveries- Scientific theories/mathematical methods- Aesthetic creations- Mental acts- Presentation of information- Computer programs- Business methods- Diagnostic, therapeutic and surgical methods for the treatment of humans and animals	No
Filing language	<ul style="list-style-type: none">• Filing an application in languages other than an official language is possible. The time limit to provide translation into an official language is when answering the first examination report.	No

Certain requirements relating to filing	<ul style="list-style-type: none"> • The inventor rarely waives his right to be mentioned in the patent. <hr/> <ul style="list-style-type: none"> • It is not possible to file provisional applications. <hr/> <ul style="list-style-type: none"> • The most frequent route used for foreign applicants to file patent applications is the PCT procedure (Patent Cooperation Treaty). 	No
Link between different inventions in the same application	<ul style="list-style-type: none"> • The applicable law requires that the claims in a patent application relate to a single invention only. 	No
Publication	<ul style="list-style-type: none"> • 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. 	No
Classification system	<ul style="list-style-type: none"> • The patent classification system used is the International Patent Classification (IPC) system 	N.A
Search and examination	<ul style="list-style-type: none"> • The applicable law establishes a substantive search and examination system. • Search and examination are combined. The filing of a patent application automatically implies a search and examination. The filing of a utility model application does not automatically imply a search and examination unless the applicant specifically has asked for it. • During the examination procedure, the following criteria are examined for both patents and utility models: <ul style="list-style-type: none"> - Novelty - Inventive step/non obviousness - Industrial applicability/utility 	N.A
Specific legal provision regarding ownership of patents derived from public (government) research funding	Yes – 1999 Act on inventions at public research institutions. The Act states that the rights to inventions made by an employee as part of his work at an institution shall be accorded to the employer with the restrictions according to the Act.	June 2, 1999 – Before that date, this issue was only dealt with in the Act on employees inventions.

<p>Exceptions to exclusive rights conferred by a patent</p>	<ul style="list-style-type: none"> • There are exceptions to the exclusive rights conferred by a patent as follows: <ul style="list-style-type: none"> - Private use - Compulsory licenses - Research and/or experimental exception - Preparation of medicines in accordance with medical prescriptions by physicians - Prior user's right 	<p>No</p>
<p>Options to challenge a patent</p>	<ul style="list-style-type: none"> • There are the following options to challenge <ul style="list-style-type: none"> A patent: <ul style="list-style-type: none"> - Post-grant administrative/quasi judicial procedure: opposition within 9 months from the date of the publication of grant; Re-examination can be requested only once the opposition procedure is ended. - Court procedure A utility model <ul style="list-style-type: none"> - Post-grant administrative/quasi judicial procedure within no time limit - Court procedure 	<p>No</p>