

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Status as of May 2005

FEATURES	STATUS	CHANGES IN LAWS SINCE 1990
Types of protection for inventions	<ul style="list-style-type: none"> • Patents 	N.A
Term of protection	<ul style="list-style-type: none"> • 20 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 	January 1, 2004 – Before that date, extension of patent term on the grounds of regulatory approval for pharmaceuticals and for agricultural chemicals was not possible.
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"> - Isolated parts of human beings - Animals - Plants - Plant and animal varieties - Diagnostic, therapeutic and surgical methods for the treatment of humans and animals - 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 	January 1, 2004 – Plants and plant varieties become excluded from patentability due to the implementation of a sui generis system for protection of plants and plant varieties.
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 3 months from the filing date. 	No

Certain requirements relating to filing	<ul style="list-style-type: none"> • The inventor rarely waives his right to be mentioned in the patent. 	No
	<ul style="list-style-type: none"> • It is not possible to file provisional applications. 	
	<ul style="list-style-type: none"> • The most frequent route used by foreign applicants to file patent applications is the PCT procedure (Patent Cooperation Treaty). 	
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. The applicable standard is the unity of invention. 	No
Publication	<ul style="list-style-type: none"> • The information related to the application is published or open for public access when the patent is granted. 	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 does not establish a substantive search and examination system. 	N.A
Specific legal provision regarding ownership of patents derived from public (government) research funding	No	No
Exceptions to exclusive rights conferred by a patent	<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 - 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 	January 1, 2004 – Introduction of the Bolar provision.

Options to challenge a patent	<ul style="list-style-type: none">• There are different options to challenge a patent as follows: Post-grant administrative procedure<ul style="list-style-type: none">- Appeal procedure against all decisions within 15 days from the grant of the application- Nullity procedure within anytime during the period of validity of the patent Court procedure	January 1, 2004 – Introduction of post-grant administrative procedures.
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