

**GHANA**

*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> </ul>	N.A
<b>Term of protection</b>	<ul style="list-style-type: none"> <li>• Patents: 20 years from the filing date</li> <li>• Utility models: 7 years from the filing date</li> <li>• Extension of patent term is not possible.</li> </ul>	December 31, 2003 – Extension of the term of protection for patents to 20 years. Before that date, the term of protection for patents was 10 years subject to an extension of 5 years.
<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>- Discoveries</li> <li>- Scientific theories/mathematical methods</li> <li>- Mental acts</li> <li>- Business methods</li> <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>- Presentation of information</li> <li>- Computer programs</li> </ul> </li> </ul>	December 31, 2003 – Before that date, computer programs and mere presentation of information were excluded from patentability.
<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 the translation into an official language is 3 months from the reception by the Office of the document requiring translation.</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 general inventive concept. The applicable standard is the unity of invention.</li> </ul>	No
<b>Publication</b>	The information related to the application is published or open for public access when the patent is granted.	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 separated. The filing of an application automatically implies a search and an examination.</li> <li>• During the examination procedure, the following criteria are examined.   Patents  - Novelty  - Inventive step/non obviousness  - Industrial applicability/utility   Utility Models  - Novelty  - Industrial applicability/utility</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

<b>Exceptions to exclusive rights conferred by a patent</b>	<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>- Compulsory licenses</li> <li>- Governmental use</li> <li>- Research and/or experimental exception</li> <li>- Prior user's right</li> </ul> </li> </ul>	No
<b>Options to challenge a patent</b>	<ul style="list-style-type: none"> <li>• There are the following options to challenge a patent or a utility model: <ul style="list-style-type: none"> <li>- Pre-grant administrative procedure (Opposition): within 3 months from the publication of the application.</li> <li>- Court procedure</li> </ul> </li> </ul>	