

ICELAND

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 from filing• 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, 1992 – Term of protection was changed from 15 years from grant to 20 years from filing.
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 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 <p>Note: It is possible to grant patents for inventions pertaining to plant and animals if the implementation of the patent is not confined for technical reasons to a particular plant or animal variety.</p>	May 11, 2004 – The law specified that isolated parts of the human body are patentable (ex: nucleotide sequence). June 1, 1996 – Extension of protection for pharmaceutical products for applications filed after January 1, 1995.

Filing language	<ul style="list-style-type: none"> It is possible to file in languages other than official language but only in the following languages: Danish, English, Norwegian and Swedish. A translation in Icelandic of the claims and abstract must be furnished before the application is made public (within 18 months from the application date). If a patent is granted, a translation of the claims and abstract of the final version of the document must be furnished within 4 months from the notification to the applicant that a patent is granted. The specification may be in English. 	January 1, 2002 – Before that date, the whole patent had to be granted in Icelandic.
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 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 and when the patent is granted. Bibliographic data is also published when the application is filed. 	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 an application automatically implies a request for search and examination. • During the examination procedure, the following criteria are examined: <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	<ul style="list-style-type: none"> • 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 - 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 	March 22, 2005 – 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: <ul style="list-style-type: none"> - Post-grant administrative/quasi judicial procedure within 9 months from the publication of grant - Court procedure 	No