

MADAGASCAR

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">• 15 years• Extension of patent term is possible for 5 months on certain conditions (e.g.: national interest).	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">- Discoveries- Scientific theories/mathematical methods- Aesthetic creations- Mental acts- Presentation of information- Computer programs- Parts of human beings- Animals- Plants- Plant and animal varieties- Traditional knowledge- 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">- Business methods	January 1, 1996 – Before that date, pharmaceutical products were excluded from patentability.
Filing language	<ul style="list-style-type: none">• Filing in a language other than an official language is possible. The time limit to provide translation into an official language is 2 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. 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 establishes a substantive search and examination system. • The search and examination are combined. The filing of an application automatically implies a 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 - 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 - Prior user's right 	No
Options to challenge a patent	<ul style="list-style-type: none"> • The only option to challenge a patent is the court procedure. 	No