

MALTA

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 - Plant protection 	June 1, 2002 – Before that date, the term of protection was 14 years with the possibility of extending by a further term of 14 years.
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 - Nucleotide and/or amino acid sequences - 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 	June 1, 2002 – Before that date, there was no detailed list of subject matters excluded from patentability or not considered to be an invention.
Filing language	<ul style="list-style-type: none"> • Filing an application in languages other than official language is possible. The time limit to provide translation into an official language is 2 months from filing. 	No

Certain requirements relating to filing	<ul style="list-style-type: none"> • The inventor rarely waives his right to be mentioned in the patent. 	June 1, 2002 – Before that date, it was possible to file a provisional application describing the nature of the invention and its object. The time limit to submit the full specifications was 9 months while claiming the earlier filing date.
	<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 Paris Convention. 	
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 and when the patent is granted. 	June 1, 2002 – Before that date there was no provision for the 18 months.
Classification system	<ul style="list-style-type: none"> • No patent classification system is used. 	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	<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 - Clinical trials for the purpose of obtaining a generic drug's regulatory approval - Prior users's right 	June 1, 2002 – Before that date, there was no provision in the law regarding exceptions to exclusive rights conferred by a patent.

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">- Pre-grant administrative procedure (appeal): within 2 months from the date of notification to the applicant.- Post-grant administrative/quasi judicial procedure (appeal): within 2 months from the decision of the Office- Court procedure	
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