

NETHERLANDS

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 or 6 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 	April 1, 1995 – Before that date, it was not possible to choose the term of protection. To obtain a 20-years patent, a novelty search is required; in all other cases, the applicant can be granted a 6 years-patent.
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"> - Animals - Plants - Plant and animals varieties - 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 	April 1, 1995 – Since that date, discoveries, scientific theories/mathematical methods, aesthetic creations, mental acts, presentation of information, computer programs, business methods and diagnostic, therapeutic and surgical methods for the treatment of humans and animals fall under subject matters that are not to be considered to be inventions.
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 3 months from the date of notification by the Office which shall be sent within one month 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 allows that the claims in a patent application relate to a group of inventions so linked as to form a single general concept. 	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. 	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 (only search upon request, no examination). 	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"> - Compulsory licenses - Research and/or experimental exception - 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. 	April 1, 1995 – Before that date, the Netherlands Patent Act had a pre-grant procedure (opposition).