

**DPMA (German Patent and Trade Mark Office):**

**Update of National Laws**

SCP/15/2 (revised Annex II of document SCP/12/3/Rev.2)

**Exclusions from Patentable Subject Matter**

1. Discoveries, scientific theories and mathematical methods.
  2. Aesthetic creations.
  3. Schemes, rules and methods for performing mental acts, playing games or doing business.
  4. Programs for computers as such.
  5. Presentations of information.
  6. Inventions the commercial exploitation of which would be contrary to "ordre public" or morality.
  7. The human body, at the various stages of its formation and development, including germ cells, and the simple discovery of one of its elements, including the sequence or partial sequence of a gene.
  8. Processes for cloning human beings and for modifying the germ line genetic identity of human beings.
  9. Uses of human embryos for industrial or commercial purposes.
  10. Processes for modifying the genetic identity of animals which are likely to cause them suffering without any substantial medical benefit to man or animal, and also animals resulting from such processes.
  11. Plant or animal varieties as well as essentially biological processes for the production of plants or animals.
- Surgical, therapeutic and diagnostic methods for treating humans or animals.

## **Exceptions and Limitations of the Rights**

1. Private acts for non-commercial purposes.
2. Acts done for experimental purposes relating to the subject matter of the patented invention.
3. Use of biological material for the purpose of breeding, discovery and development of new variety of plants.
4. Propagation or multiplication of biological material put on the market in the European Economic Area by the patent owner or with his/her consent for that purpose, other than for other multiplication or propagation purposes.
5. Use of harvested plant propagating material for multiplication or propagation by farmers on their own farms.
6. Use of breeding stock or other animal reproductive material by farmers for pursuing their own agricultural activities, but not sale for commercial reproduction.
7. Studies and trials necessary for obtaining pharmaceutical marketing authorization.
8. Preparation of prescribed medicines in pharmacies, and acts concerning those medicines.
9. Certain uses concerning foreign aircraft, land vehicles or vessels which temporarily or accidentally enter national territory.
10. Continued prior use by a person who, at the filing date (priority date), had used the invention in Germany, or made arrangements for that purpose.
11. Exploitation in the interest of public welfare or security ordered by the Federal Government or by, or on the instruction of, a supreme federal authority, subject to remuneration.
12. Compulsory licenses.