

Revised Annex II of document SCP/12/3 Rev.2

Comments from the Portuguese Industrial Property Office (INPI)

Document SCP/12/3 Rev. 2 – Report on the international patent system – refers the role of the patent system addressing the leading questions related to these matters. It also illustrates the diversity of the national patent laws emphasizing their differences and the effort that is being made to harmonize these questions. This document is particularly important as a starting point and for accompanying the discussions to be held in the scope of the SCP.

Relating to the revised Annex II of document SCP/12/3 Rev. 2 we would like to present some corrections in the text related to the Portuguese patent law. The corrections are written in *italic* and in **blue colour**.

Country	Sufficiency of Disclosure
Portugal	The description shall indicate in a clear and concise manner <i>with no reservations or omissions</i> everything of which consists the invention, including at least one detailed explanation of how a person skilled in the art can carry it out.

Country	Exclusions from Patentable Subject Matter
Portugal	<ol style="list-style-type: none"> 1. Discoveries, scientific theories and mathematical methods. 2. Materials or substances which already exist in nature and nuclear substances. 3. Aesthetic creations. 4. Schemes, rules and methods of intellectual activities for games or commercial activities and computer programs as such, <i>with no contribution</i>. 5. Presentations of information. 6. Patents shall not be granted in respect of inventions the commercial exploitation of which would be contrary to the Law, <i>ordre public</i>, public health or morality, an exploitation not being deemed to be prohibited merely because it is prohibited by law or administrative regulation.

	<p>7. Processes for cloning human beings.</p> <p>8. Processes for modifying the <i>germinal</i> line genetic identity of human beings.</p> <p>9. Uses of human embryos for industrial or commercial purposes.</p> <p>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.</p> <p>11. The human body, at the various stages of its formation and development, and the simple discovery of one of its elements, including a sequence or partial sequence of a gene, cannot constitute patentable inventions. <i>However it can be patented provided that the industrial application of a sequence or a partial sequence of a gene is expressly observed and specifically described in the patent application.</i></p> <p>12. Plant varieties or species of animals and essentially biological processes for the production of plants or animals.</p> <p>13. Methods for surgical or therapeutic treatment or for diagnosis, practiced on human beings or animals, shall not be regarded as inventions, either. This provision shall not prevent the grant of patents for products, including substances and compounds, for use in any of such methods.</p>
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All other information related to the Portuguese patent law included in Annex II is correct.