

WIPO Circular C. 8687 (21 August 2017) – Information regarding certain aspects of the applicable national patent law

Country/Region	Novelty
Germany	An invention shall be deemed to be new if it does not form part of the state of the art. The state of the art consists of anything made available to the public by a written or oral description, use, or in any other way before the filing date (priority date), and the contents of certain German, European and international patent applications with an earlier filing date published on or after the filing date (priority date).
Country/Region	Inventive Step (Obviousness)
Germany	An invention shall be deemed to involve an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art. The state of the art consists of anything made available to the public by a written or oral description, use, or in any other way before the filing date (priority date).
Country/Region	Grace Period
Germany	Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to: <ol style="list-style-type: none"> 1. an evident abuse in relation to the applicant or his predecessor in title; 2. display of the invention by the applicant or his predecessor in title at an official or officially recognized international exhibition notified in the Federal Law Gazette. The applicant shall state when filing the application that the invention has been so displayed, and file a certificate within four months.
Country/Region	Exceptions and Limitations of the Rights
Germany	<ol style="list-style-type: none"> 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 placed on the market in the European Economic Area by the patent owner or by a third party with the consent of the patent owner for that purpose (e.g. seeds), unless the material obtained by such propagation or multiplication is subsequently used for further propagation or multiplication.

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| | <ol style="list-style-type: none">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 the sale for the purpose or within the framework of a commercial reproduction activity..7. Studies and trials necessary for obtaining pharmaceutical marketing authorization.8. Extemporaneous preparation of prescribed medicines in pharmacies, for individual cases, 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. That person shall be entitled to use the invention for the needs of his own business in his own workshops or in the workshops of others.11. Exploitation in the interest of public welfare ordered by the Federal Government or in the interest of the security of the Federal Republic of Germany ordered by, or on the instruction of, the competent highest federal authority, subject to remuneration.12. Compulsory licenses for reasons of public interest. |
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