

(1) Prior Art

1. All knowledge that has been made available to the public by means of a written or oral description, by use or in any other way before the filing date (priority date).
2. Contents of patent applications filed with OSIM and international applications that have been entered the national phase in Romania or certain European patent application designating Romania, as filed, with an earlier filing date (priority) made available to the public on or after that date.

(2) Novelty

The invention does not form part of the prior art. The prior art consists of all knowledge made available to the public by means of a written or oral description, by use or any other means, before the filing date (priority date) and the contents of patent applications filed with OSIM, international applications that have been entered in the national phase in Romania and certain European patent application designating Romania, as filed, with an earlier filing date (priority) made available to the public on or after that date.

(3) Inventive Step (Obviousness)

The invention shall be considered as involving an inventive step if it is not obvious to a person skilled in the art having regard to the state of the art. The state of the art consists of all knowledge made available to the public by means of a written or oral description, by use or any other means, before the filing date (priority date).

(4) Grace period

Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date:

- (a) due to an evident abuse in relation to the applicant or his legal predecessor;
- (b) by display of the invention by the applicant or his legal predecessor at an official or officially recognized exhibition.

The applicant shall:

- (a) when filing the application, state that the invention has been displayed at the exhibition;

(b) within four months after the filing date, file a certificate and a description of the invention attested by the exhibition management, and indicate the exhibition opening date and the date of the first disclosure.

(5) Sufficiency of Disclosure

An application shall disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.

(6) Exclusion from Patentable Subject Matter

1. Discoveries, scientific theories and mathematic methods.
2. Aesthetic creations.
3. Schemes, rules and methods for performing mental acts, playing games or doing business.
4. Computer programs.
5. Presentation of information.
6. Inventions the exploitation of which would be contrary to public order or morality, including those being detrimental to human, animal or plant life, or health or the environment, the exclusion not being deemed to be prohibited merely because the exploitation is prohibited by law.
7. Plant and animal varieties and essentially biological processes for their production, other than microorganisms.
8. Surgical, therapeutic and diagnostic methods for treating humans and animals.
9. The human body, at any stage of its formation and the simple discovery of its elements, including the sequence or partial sequence of a gene.

(7) Exceptions and Limitation of the Rights

1. Certain uses concerning foreign aircraft, land vehicles or vessels which temporarily or accidentally enter national territory.
2. Continued prior use by a person, who in good faith before the filing date (priority date) used the invention in Romania, independently of the patent owner, or had taken real and effective steps for that purpose.
3. Private use for non-commercial purposes.
4. Commercialization or offering for sale within the European Union territory of specimens of the product subject matter of the invention, previously sold by, or with the consent of the patent owner.
5. Experimental use
6. Exploitation in good faith or taking real and effective steps towards exploiting the invention by third parties in the interval between the patent owner's loss of rights and the reinstatement of the patent.
7. Exploitation by third parties of the invention or part of the invention in respect of which protection has been renounced.
8. Compulsory licences.