## **Further information on patents**

On the *Standing Committee on the Law of Patents* (SCP), at twenty-sixth session which was held in Geneva from July 3 to 6, 2017 (document SCP/26/7, paragraph 19, under "Exceptions and limitations to Patent Rights", and first bullet point under "Patents and Health"), Intellectual Property Office of Montenegro did not delegate its representative so we cannot provide International Bureau of the World Intellectual Property Organization (WIPO) with needed information regarding inputs for the preparation of the draft reference document on the exception regarding acts for obtaining regulatory approval from authorities.

In addition, we can inform you about the updated applicable articles of the national Patent Law which regulate these matters:

## Exceptions from the Exclusive Rights, Exhaustion of Rights and the Rights of Third Parties Article 53

The exclusive rights of a patent holder referred to in Articles 49 and 50 of this Law shall not apply to:

- 1) the use of an invention for personal and non-commercial purposes;
- 2) research and development activities relating to the subject matter of the protected invention, including activities that are necessary for obtaining an authorisation for placing on the market of a product, which is a drug intended for use on humans or animals, or a medicinal product;
- 3) the direct, individual preparation of a drug in a pharmacy based on a single prescription, and to the placement of such drug on the market.

## **Limitation of Rights to Facilitate International Traffic**

**Article 56**: A patent shall have no effect against a person who uses devices made on the basis of a protected invention where such devices constitute an element in the structure or equipment of a vessel, aircraft or land vehicle or serve exclusively for the operation of such vessel, aircraft or land vehicle belonging to a state that is a party to the Paris Convention or member of WTO, when it enters the territory of Montenegro temporarily or accidentally.

In relation to the topic, please find enclosed text of the Patent law (Official Gazette of Montenegro", No. 42/2015).