(1) THE SCOPE OF THE EXCLUSION FROM PATENTABILITY OF PLANTS

| **Country** | **Provision of Law** | **Exclusion** | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Plant** | **Plant Variety** | **Neither** | **Both** | **Animal** | **Animal breeds** | **Neither** | **Both** | **Essentially Biological Processes** |
| Albania | Article 5 (5) (a), (b) and (c) of the Law No. 9947 of 07/ 07/2008 “On Industrial Property" |  | X |  |  |  | X |  |  |  |
| Algeria | Article 8(1) of the Ordinance No. 03-07 of 19/07/2003 |  | X |  |  |  | X |  |  | X |
| Andorra | Industrial Property Law of 10/06/1999 |  |  | X |  |  |  | X |  |  |
| Angola | Law No. 3/92 on Industrial Property of 28/02/1992 |  |  | X |  |  |  | X |  |  |
| Antigua and Barbuda | Section 2 (2) (iv), (v) and (vi) of the Patents Act No. 23 of 29/12/2003 | X | X |  | X | X |  |  |  | X |
| Argentina  (unclear law) | Article 7(b) of the of the Law No. 24.481 of 23/05/1995 on Patents and  Utility Models (as last amended by Law No. 25.859) |  |  |  |  |  |  |  |  |  |
| Armenia | Article 10 (3) (a) and (e) of the Industrial Property Law of 10/06/2008 |  | X |  |  | X | X |  | X | X |
| Australia | Section 18 (3) and (4) of the Patents Act No. 83 of 1990 as last amended by Act No. 106 of 2006 | X |  |  |  | X |  |  |  | X |
| Austria | Section 2 3) of the Patents Law BGBl. No.259/1970 as last amended by BGBl. No. 143/2001 (version of 2011 not available in English) |  | X |  |  |  | X |  |  | X |
| Azerbaijan | Article 7 (1) and (8) of the Law on Patents of 25/07/1997 |  | X |  |  |  | X |  |  |  |
| Bahamas | Section 9 (1) (b) of the Industrial Property Act of 1965 - Cap. 324 |  | X |  |  |  | X |  |  | X |
| Bahrain | Article 3 (1) and (2) of Law No. (14) for the year 2006 Amending some Provisions of Law Number (1) of the Year 2004 In respect of Patents and Utility Models |  |  |  |  | X |  |  |  |  |
| Barbados | Section 11 (1) (e) of the Patents Act No. 18, Cap. 314, of 26/07/2001 |  | X |  |  |  | X |  |  | X |
| Belarus | Article 2 (3) of the Law No. 160-Z of 16/12/2002 on Patents for Inventions, Utility Models, Industrial Designs, as last amended on 24/12/2007 |  | X |  |  |  | X |  |  |  |
| Belgium | Article 4 of the Patent Law of 28/03/1984 (Consolidated version as of  01/01/2010) |  | X |  |  |  | X |  |  | X |
| Belize | Patents Act - Cap. 253 of 21/06/2000 as last amended by Act No. 40 of 2005 |  |  | X |  |  |  | X |  |  |
| Bhutan | Industrial Property Act of 13/07/2001 |  |  | X |  |  |  | X |  |  |
| Bosnia and Herzegovina | Article 6 (4) and (5) of the Patent Law of 28/05/2010 |  | X |  |  |  | X |  |  | X |
| Botswana | Section 9 (2) (c) and (d) of the Industrial Property Act of 24/04/2010 | X |  |  |  | X |  |  |  | X |
| Brazil | Article 10 (IX) of the Industrial Property Law No. 9.279 of 14/05/1996 (as last amended by Law No.10.196, of 14/02/2001) | X |  |  | X |  |  |  |  | X |
| Brunei Darussalam | Patents Order of 12/10/2011 |  |  | X |  |  |  | X |  |  |
| Bulgaria | Articles 7 (1) 3) and 4) and 7a (3) and (4) of the Law on Patents and Utility Model Registration No. 27/2 of 1993 as last amended on 20/07/2007 |  | X |  |  |  | X |  |  | X |
| Burundi | Article 17 of the Law No. 1/13 of 28/07/2009 on Industrial Property | X | X |  | X | X | X |  | X | X |
| Cambodia | Article 4 (v) and (vi) of the Law on Patents, Utility Models and Industrial Designs of 22/01/2003 | X | X |  | X | X |  |  |  | X |
| Canada | Article 2 and 27(8) of the Canadian Patent Act (R.S.C., 1985, c. P-4) |  |  | X |  |  |  | X |  |  |
| Cape Verde | Article 15 (1) (c) and (e), (2), and (3) of the Industrial property code, Law Decree No. 4/2007 of 20/08/2007 |  | X |  |  |  | X |  |  | X |
| Chile | Article 37 (b) and (f) of the Industrial Property Law No. 19.039 of 24/01/1991 (consolidated version of 2005 as last amended on 2007) | X | X |  |  | X |  |  |  | X |
| China | Article 25 4) of the Patent Law of 28/12/2008 |  | X |  |  |  | X |  |  |  |
| Costa Rica | Article 1 (3) and (4) (c) and (d) of the Law No.6867 of 25/04/1983 as last amended by Law No. 8632 of May 25, 2008 | X |  |  |  | X |  |  |  | X |
| Croatia | Articles 5 (4) and (5) and 6 1) of the Patent Act No. 173/2003 of 31/10/  2003 as last amended by Law OG No 76/2008 of 23/07/2007 |  | X |  |  |  | X |  |  | X |
| Cuba | Articles 21 (2) (d) and (j) and (4) and 22 (1) (a) and (b) of the Decree-Law No. 290 of 20/11/2011 on Inventions and Industrial Designs and Models | X | X |  | X | X | X |  | X | X |
| Czech Republic | Section 4 (b) of the of the Law on Inventions, Industrial  Designs and Rationalization Proposals No. 527 of November 27/11/1990 as last amended by Law No.116 of 06/04/2000 and Sections 1, 2 (b) and (c) and 3 (c) of the Law of 21/06/2000, on the Protection of Biotechnological Inventions |  | X |  |  |  | X |  |  | X |
| Denmark | Section 1 (4),(5) and (6) of the Consolidated Patent Act No.108 of 24/01/2012 |  | X |  |  |  | X |  |  | X |
| Democratic People’s Republic of Korea | Invention Law of 13/05/1998 |  |  | X |  |  |  | X |  |  |
| Democratic Republic of the Congo | Law on Industrial Property No. 82-001 of 07/01/1982 |  |  | X |  |  |  | X |  |  |
| Dijbouti | Articles 26 (a) and (d) and 27 (a) of the Protection of Industrial Property Law  No.50/AN/09/6th L of 21/06/2009 | X |  |  |  | X |  |  |  | X |
| Dominican Republic | Article 2(1) (a) and (g) and (2) (c) of the Industrial Property Law No. 20-00 of  08/05/2000 as last amended by Law No. 424-06 | X |  |  |  | X |  |  |  | X |
| Ecuador | Article 126 (c) of the Intellectual Property Law, Codification No. 2006-013 |  | X |  |  |  | X |  |  | X |
| Egypt | Article 2(4) and (5) of the Law on the Protection of Intellectual Property Rights No 82 of  03/06/2002 | X |  |  |  | X |  |  |  | X |
| El Salvador | Law on the Promotion and Protection of Intellectual Property Rights No. 604 of 15/07/1993 |  |  | X |  |  |  | X |  |  |
| Estonia | §§ 6 (1) and (2) 8) and 7 (2) 5) and 6) and (3) of the Patent Act (RT I 1994, 25, 406) of 16/03/1994 as last amended on 07/12/2011 |  | X |  |  |  | X |  |  | X |
| Ethiopia | Section 4 (1) (b) of the Proclamation concerning Inventions, Minor Inventions and  Industrial Designs No. 123 of 10/05/1995 |  | X |  |  |  | X |  |  | X |
| Finland | Section 1 (4), (5) and (6) of the Patents Act No. 550 of 15/12/1967 as last amended by Act No. 743/2011 of 17/06/2011 |  | X |  |  |  | X |  |  | X |
| France | Article L 611-19 of the Intellectual Property Code of 01/07/1994, as last amended by Decree n° 2012-634 |  | X |  |  |  | X |  |  | X |
| Gambia | Section 3 (3) (ii) of the Industrial Property, Chapter 95:03; Act No. 12 of 1997, version of 2007 |  | X |  |  |  | X |  |  | X |
| Georgia | Article 17 (c) of the Patent Law of 05/02/1999 |  | X |  |  |  | X |  |  | X |
| Germany | Section 2a (1) 1), (2) and (3) 2), 3) and 4) of the Patent Act of 16/12/1980 as last  amended by Act of 31/07/2009 |  | X |  |  |  | X |  |  | X |
| Ghana | Section 2 (e), (f) and (g) of the Patents Act, Act No. 657 of 2003 | X | X |  | X | X |  |  |  | X |
| Greece | Article 5 (8) (b) of the Law on "Technology transfer, inventions, and technological innovation" No. 1733/1987 (FEK 171, A' of 22/9/1987) as last amended by Law No. Law 3966/2011 |  | X |  |  |  | X |  |  | X |
| Guatemala | Article 91 (b) and (c) of the Industrial Property Law, Decree No. 57-2000 of  18/09/2000 |  |  | X |  |  |  | X |  | X |
| Guyana | Patents and Design Acts Cap 90:03 of 1937 as last revised in 1972 |  |  | X |  |  |  | X |  |  |
| Honduras | Article 7 of the Industrial Property Law, Decree Law No. 12-99-E of 30/12/1999 |  | X |  |  |  | X |  |  | X |
| Hungary | Article 6 (4), (5), (6), (7), (8) and (9) of the Act XXXIII of 1995 on the protection of inventions by patents (Consolidated text of 01.03.2011) |  | X |  |  |  | X |  |  | X |
| Iceland | Article 1 §§ 4 and 5 of the Patents Act No. 17/1991 as last amended by Law no. 167/2007 |  | X |  |  |  | X |  |  | X |
| India | Section 3 (j) of the Patent Act No. 39 of 1970 as last amended by Act No. 15 of 2005 | X | X |  | X | X | X |  | X | X |
| Indonesia | Article 7 (d) of the Law on Patents No. 14 of 01/08/2001 and Section 4 (1) and (2) (b) and (c) of the European Communities (Legal Protection of Biotechnological Inventions) Regulations of 2000 | X |  |  |  | X |  |  |  | X |
| Ireland | Section 10 (b) of the Patent Act No. 1 of 1992 as last amended by Act no.  31 of 2006 |  | X |  |  |  | X |  |  | X |
| Israel | Article 7 of the Patents Law No. 5727 of 08/08/1967 as last amended by Law No. 5760-1999 |  | X |  |  |  | X |  |  |  |
| Italy | Articles 45 (4) (b), (5) and (5 bis), 81 ter (1) (b) and (2) and 81 quarter (1) (e) of the Code of the Industrial Property, Legislative Decree No. 30 of 15/02/2005 as last amended by Legislative Decree No. 131 of 13/08/2010 |  | X |  |  |  | X |  |  | X |
| Japan | Act No. 122 of December 4, 2002, as last amended by Act No.119 of July 16, 2003 |  |  | X |  |  |  | X |  |  |
| Jordan | Article 4 (6) and (7) of the Law on Patents of Invention No. 32 for the Year 1999(as last amended by Law No. 28 of 2007) | X |  |  |  | X |  |  |  | X |
| Kenya | Sections 26(a) of *The Industrial Property Act*, 2001 |  | X |  |  |  |  | X |  |  |
| Kyrgyzstan | Article 5 (9) 9) of the Patent Law No. 8 of 14/01/1998, as last amended by Law No. 46 of 27/02/2003 |  | X |  |  |  | X |  |  |  |
| Lao People’s Democratic Republic | Section 21 of the Intellectual Property Law of  14704/2008 | X |  |  |  | X |  |  |  |  |
| Latvia | Sections 1 (13) and 14) and 10 (1) 2) and 3) and (2) of the Patent Law of 15/02/2007 |  | X |  |  |  | X |  |  | X |
| Lebanon | Article 2 (e) and (f) of the Patent Law No. 240 of 14/08/2000 |  |  | X |  |  |  | X |  |  |
| Lesotho | Section 4 (b) of the Industrial Property Order, Order No. 5 of 1989, as last amended by Act No. 4 of 1997 |  | X |  |  |  | X |  |  | X |
| Liberia | Industrial Property Act of 20/03/2003 |  |  | X |  |  |  | X |  |  |
| Libya | Law No. 8 of 1959 on Patents and Industrial Designs and Models |  |  | X |  |  |  | X |  |  |
| Lithuania | Article 2, § 3 2) of the Patent Law No. I-372 of 18/01/1994 as last amended by Law No. X-1119 of 10/05/2007 |  | X |  |  |  | X |  |  | X |
| Luxembourg | Article 5 (2) of the Patent Act of 20/07/1992 as last amended by Law of 24/05/1998 |  | X |  |  |  | X |  |  | X |
| Madagascar | Section 8 (1) (ii) of the Industrial Property Law, Ordinance No. 89 019 of 31/07/1989 |  | X |  |  |  | X |  |  | X |
| Malawi | Patents Act, Chapter 49:02 OF 1959 as last revised in 1986 |  |  | X |  |  |  | X |  |  |
| Malaysia | Section 13 (1) (b) of the Patents Act No. 291 of 1983 as last amended by Act No. 1264 of 2006 |  | X |  |  |  | X |  |  | X |
| Mali | Law on the Protection of Industrial Property No. 87-18/AN-RM of 09/03/1987 |  |  | X |  |  |  | X |  |  |
| Malta | Section 4 (5) (e) and (f) and (6) of the Patents and Designs Act, Chapter 417, of  01/06/2002 as last amended by Act XVIII of 2005 |  | X |  |  |  | X |  |  | X |
| Mauritius | Section 11 (3) (d), (e), (f) and (g) of the Patents, Industrial Designs and Trademarks Act No. 25 of 2002 | X | X |  | X |  | X |  |  | X |
| Mexico | Article 16 I) and V) of the Industrial Property Law of 25/06/1991as last amended on  04/04/2012 |  | X |  |  |  | X |  |  | X |
| Mongolia | Article 4 (5) 6) of the Patent Law of 25/06/1993, as last amended in 1999 |  |  | X |  |  |  | X |  | X |
| Montenegro | Articles 5 (2) and 7 (1) 3) and (2) of the Patent Law of 31/10/2008 |  | X |  |  |  | X |  |  | X |
| Morocco | Article 24 (b) of the Law No. 17-97 concerning Protection of Industrial Property as implemented by Law No. 31-05 of 02/03/2006 |  | X |  |  |  |  | X |  |  |
| Mozambique | Article 30 (2) (b) of the Industrial Property Code, Decree No. 04 of 12/04/2006 | X | X |  | X | X | X |  | X | X |
| Nepal | The Patent, Design and Trade Mark Act, Law No.2022 of 1965 |  |  | X |  |  |  | X |  |  |
| Netherlands | Articles 1, 2a (1) (2) (c) and (d), and 3 (1) (c) and (d) of the Patents Act of 15/12/1995(Text as it applies on 03/06/2009) |  | X |  |  |  | X |  |  | X |
| New Zealand | Patents Act 1953 (as at 01/01/2011) |  |  | X |  |  |  | X |  |  |
| Nicaragua | Articles 6 (c) and 7 (a) of the Law on Patents, Utility Models and Industrial Designs No. 354 of 19/09/2000 as last amended by Law No. 634 of 13/09/2007 |  |  | X |  |  | X |  |  | X |
| Nigeria | Section 1 (4) (a) of the Patents and Designs Act, Chapter 344, of 01/12/1971, version of 1990 |  | X |  |  |  | X |  |  | X |
| Norway | Section 1, §§ 3, 4 and 5 of the Patents Acts No.9 of 15/12/1967 |  | X |  |  |  | X |  |  | X |
| Oman | Sections 2 (1) (e) of the and 11 (2) (c) and (d) and (4) (b) of the Law on Industrial Property Rights, Royal Decree No. 67 of the 2008 |  |  | X |  | X |  |  |  | X |
| Pakistan | Section 7 (4) (b) of the Patent Ordinance No. LXI of 2000 as last amended by Patent Ordinance No. 2(1)/2002 | X |  |  |  | X |  |  |  | X |
| Panama | Article 15 1), 2) and 5) of the Law No. 35 of 10/05/1996 Enacting Provisions on Industrial Property | X | X |  | X | X | X |  | X | X |
| Papua New Guinea | Patents and Industrial Designs Act of 2000 |  |  | X |  |  |  | X |  |  |
| Paraguay | Article 5 (b) of the Patents Law No. 1630 of 29/11/2000 | X |  |  |  | X |  |  |  | X |
| Philippines | Article 22 4) of the Intellectual Property Code, Act No. 8293 of 06/06/1997 as last amended by Act No. 9502 of 2008 |  | X |  |  |  | X |  |  | X |
| Poland | Articles 29 (1) (ii) and (2), 75¹, 93 1 (iii) and 93 2 (iii) of the Industrial Property Law of 30/06/2000, as last amended by Act of 29/06/2007 |  | X |  |  |  | X |  |  | X |
| Portugal | Articles 53 (3) (b) and 54 (1) (d), (e) and (f), (2) and (3) of the Industrial Property Code, Decree-Law No. 36 of 05/03/2003 as last amended by Law No. 16 of 01/04/2008 |  | X |  |  |  | X |  |  | X |
| Qatar | Article 4 (b) of the Patent Law no. 30 of 2006 | X |  |  |  | X |  |  |  | X |
| Republic of Korea | Patent Act of the Republic of Korea, Act. No. 950 of 1949 as. last amended on 30/01/2009 |  |  | X |  |  |  | X |  |  |
| Republic of Moldova | Articles 6 (4) (a), (b) and (c) and 7 (1) (b) and (c) of the Law on the  Protection of Inventions No. 50-XVI of 07/03/ 2008 |  | X |  |  |  | X |  |  | X |
| Romania | Articles 7 (a), (b) and (c) and 9 (b) of the Patent Law No. 64/1991 as republished in the OJ, Part I, No. 638/18.IX.2007 |  | X |  |  |  | X |  |  | X |
| Russian Federation | Article 1350 (1) and (6) 1) of the Patent Act (Chapter 72) |  | X |  |  |  | X |  |  | X |
| Rwanda | Article 18 6) and 7) of the Law No. 31/2009 of 26/10/2009 on the protection of intellectual property | X | X |  | X | X | X |  | X | X |
| Saint Kitts and Nevis | Patents Act (Cap. 18.25) of 2002 |  |  | X |  |  |  | X |  |  |
| Saint Lucia | Patens Act of 2001 |  |  | X |  |  |  | X |  |  |
| Saint Vincent and the Grenadines | Section 13 (2) (h) of the Patents Act, Chapter 314, Act No. 39 of 2004 |  | X |  |  |  | X |  |  | X |
| Samoa | Patents Act of 1972, consolidates version of 2008 |  |  | X |  |  |  | X |  |  |
| San Marino | Article 2 (4) (c), (5) and (7) (b) of the Law on Industrial Property No. 79  of 25/05/2005 as last amended in 2011 |  |  | X |  |  | X |  |  | X |
| Sao Tomé and Principe | Law No. 4/2001 of 31/12/2001 on Industrial Property |  |  | X |  |  |  | X |  |  |
| Saudi Arabia | Article 45 (c) of the Law of Patents, Layout-Designs of Integrated Circuits, Plant Varieties, and Industrial Designs of 16/07/2004 | X |  |  |  | X |  |  |  | X |
| Serbia | Articles 7, § 3 and 9, § 1 3) and § 2 of the Patent Law of 27/12/2011 |  | X |  |  |  | X |  |  | X |
| Singapore | Patents Act (Chapter 221) of 2005 |  |  | X |  |  |  | X |  |  |
| Slovakia | Articles 3 (a), (b), (c) and (d), 5 (2) (b) and (c), and 6 (1) (a) and (b) of the Patent Act No. 435/2001 as last amended by Act No. 202/ 2009 Coll. |  | X |  |  |  | X |  |  | X |
| Slovenia | Articles 2 (1) (a),(b), (2) and (3) and 4 of the Decree on the legal protection of biotechnological inventions of 2003 |  | X |  |  |  | X |  |  | X |
| South Africa | Section 25 (4) (b) of the Patents Act No. 37 of 1952 as last amended by Act No. 20 of 2005 |  | X |  |  |  | X |  |  | X |
| Spain | Articles 4 2) and 3) and 5 2) and 3) of the Law about Patents of Invention and Utility Models No. 11 of 20/03/1986 as last amended by Law No. Nº 14/2011, of 01/06/2011 |  | X |  |  |  | X |  |  | X |
| Sri Lanka | Section 62 (3) (b) of the Intellectual Property Act No. 36 of 2003 | X |  |  |  | X |  |  |  | X |
| Sudan | Patent Law No. 58 of 1971 |  |  | X |  |  |  | X |  |  |
| Swaziland | Patents, Utility Models and Industrial Designs Act of 1997 |  |  | X |  |  |  | X |  |  |
| Sweden | Article 1a §*§* 1,2 and 3 of the Patents Act No. 837 of 01/12/1967 as amended up to 01/07/2011 |  | X |  |  |  | X |  |  | X |
| Switzerland | Article 2 (2) (b) of the Federal Patents Law of 25/06/1954 as of 01/01/2012 |  | X |  |  |  | X |  |  | X |
| Tajikistan | Article 6, § 8 of the Law on Inventions of 28/02/2004 |  | X |  |  |  | X |  |  |  |
| Thailand | Section 9 1) of the Patent Act B.E. 2522 of 11/03/1979 as amended by the Patent Act (No.2) B.E 2535 and the Patent Act (No.3) B.E. 2542 | X |  |  |  | X |  |  |  |  |
| The Former Yugoslav Republic of Macedonia | Articles 3 and 26, §1, of the Law on Industrial Property No. 07-1006/1 of 12/02/2009 |  | X |  |  |  | X |  |  | X |
| Tonga | Industrial Property Act, Act No. 19 of 1994 |  |  | X |  |  |  | X |  |  |
| Trinidad and Tobago | Patents Act of 1996 as last amended by Act of 05/05/2000 |  |  | X |  |  |  | X |  |  |
| Tunisia | Article 3, § 1 of the Patents Law No.2000-84 of 24/08/2000 |  | X |  |  |  | X |  |  | X |
| Turkey | Article 6, § 3 (b) of the Decree-Law No. 551 on the Protection of Patent Rights of  27/06/1995 as last amended by Law No. 4128 of 7/11/1995 |  | X |  |  |  | X |  |  | X |
| Turkmenistan | Section 2 (2) and (3) of the Law on patents of 01/10/1993 |  | X |  |  |  | X |  |  |  |
| Uganda | Section 7 (2) (b) of the Patents Act of 15/10/1993 as last amended on 05/03/2002 |  | X |  |  |  | X |  |  | X |
| Ukraine | Article 6 (2) and (3) of the Law on the Protection of Rights to Inventions and Utility Models No. 3687-XII of 15/12/1993 as last amended in 2003 |  | X |  |  |  | X |  |  | X |
| United Arab Emirates | Article 6 (1) (a) of the Federal Law No (31) of 2006 pertaining to the Industrial Regulation and Protection of Patents, Industrial Drawings, and Designs |  | X |  |  |  | X |  |  | X |
| United Kingdom | Schedule A2, section 76A (3) (f), (4) and (11) of the Patents Act of 1977, consolidated version of 01/10/2011 |  | X |  |  |  | X |  |  | X |
| United Republic of Tanzania | Section 7 (2) (b)of the Patents Act ,Chapter 217 of 1995 |  | X |  |  |  | X |  |  | X |
| United States of America | Patent Law, 35 U.S.C. of 01/01/1953, 2007 version |  |  | X |  |  |  | X |  |  |
| Uruguay | Article 13 (b) of the Law No. 17.164 Regulating Rights and Obligations Relating to Patents, Utility Models and Industrial Designs No. 1.827\*R of 02/09/1999 | X |  |  |  | X |  |  |  | X |
| Uzbekistan | Article 6, §§ 8 and 9 of the Law on Inventions, Utility Models and Industrial Designs of 29/08/2002 (version of 2008 not available in English) |  | X |  |  |  | X |  |  |  |
| Vanuatu | Article 3 (3) (a) and (b) of the Patents Act No. 2 of 21/07/2003 | X |  |  |  | X |  |  |  | X |
| Vietnam | Article 59 5) and 6) of the Law on Intellectual Property No. 50/2005/QH11 of  29/11/2005 as last amended by Order No. 12/2009/L-CTN of 29/06/2009 |  | X |  |  |  | X |  |  | X |
| Yemen | Article 6 4) and 5) of the Law No. 2 of 12/01/2011 on Patents, Utility Models, Layout Designs of Integrated Circuits and Undisclosed Information | X |  |  |  | X |  |  |  | X |
| Zambia | The Patents Act (Chapter 400) of 1958 as last amended by Act No. 26 of 1987 |  |  | X |  |  |  | X |  |  |
| Zimbabwe | Section 2A of the Patents Act (Chapter 26:03) No. 26 of 1971 as last amended by Act 9 of 2002 | X |  |  |  | X |  |  |  | X |
| Andean Community | Articles 15 (b) and 20 (c) of the Decision No. 486 of 14/09/2000 | X |  |  |  | X |  |  |  | X |
| European Union | Articles 2 and 4 of the Directive 98/44/EC of 6/07/1998 on the legal protection of biotechnological inventions |  | X |  |  |  | X |  |  | X |
| OAPI | Article 6 (c) of the Bangui Agreement of 1977 as last revised in 1999 |  | X |  |  |  | X |  |  | X |

(2) PATENTABILITY, OR EXCLUSION FROM PATENTABILITY, OF SOFTWARE-RELATED INVENTIONS

| **Country** | **Statute** | | | | | **Guidelines (or Manual)** | |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Provision of Law** | **Provision on patentability of**  **software** | | | | **Permissible form of claim** | **Explanation or**  **Requirements concerning software** |
| **Excluded** | **Excluded as such** | **allowed** | **No explicit provision** |
| Albania | Articles 5(1), (2) and (3) and 112 of the Law on Industrial Property No. 9947 of 07/07/2008 |  | X |  |  | NA | NA |
| Algeria | Article 7 6) of the Ordinance No. 03-07 of 19/07/2003 | X |  |  |  | Not mentioned  (Guide pour l’élaboration d’une demande d’invention, 2001) | Not mentioned  (Guide pour l’élaboration d’une demande d’invention, 2001) |
| Andorra | Article 2(2) (c) and (3) of the Patent Act of 10/06/1999 |  | X |  |  | NA | NA |
| Angola | Law No. 3/92 on Industrial Property of 28/02/1992 |  |  |  | X | NA | NA |
| Antigua and Barbuda | Patent Act No. 23 of 2003 |  |  |  | X | NA | NA |
| Argentina | Article 6( c) of the Patents Act No. 24.481 of 1996 as amended by Law 25.859 of 2003 and Annex III of the Patentability Guidelines of INPI | X |  |  |  | Not specified | Patentable if it presents:   * Carácter tecnico y efecto tecnico |
| Armenia | Patent Law of 10/06/2008 |  |  |  | X | NA | NA |
| Australia | Patent Act No. 83 of 30/10/1990 as last amended by Act No. 35 of 2012 |  |  |  | X | NA | the general manner of manufacture requirements still apply. Thus, for example, programs per se, to the extent that they reflect purely intellectual information, are not patentable.  (Patent Examiners Manual) |
| Austria | Section 1 (2) 3) and (3) of the Patents Law 1970 (BGBl. No. 259/1970), as last amended by Act No. 143/2001 (last amended version of 2010 not available in English) |  | X |  |  | ?  (all in German) | ?  (all in German) |
| Azerbaijan | All in Russian-azerbaijan language |  |  |  |  |  |  |
| Bahamas | Industrial Property Act, 1965 - Cap. 324 |  |  |  | X | NA | NA |
| Bahrain | Law No (1) for the year 2004 On Patents and Utility Models amended by 2006 |  |  |  | X | NA | NA |
| Barbados | Patents Act, Cap. 314, No. 18 of 26/07/2001 |  |  |  | X | NA | NA |
| Belarus | Law No. 160-Z of 16/12/2002 on Patents for Inventions, Utility Models and Industrial Designs (only in Russian) |  |  |  |  |  |  |
| Belgium | Article 3 §§1 3) and 2 of the Patent Law of 28/03/1984 (Official Consolidation of 01/01/2010) |  | X |  |  | Not specified | effet technique particulier ou si, en combinaison avec un équipement, il satisfait aux autres conditions de brevetabilité |
| Belize | Patents Act, Chapter 253, of 21/06/2000 as last amended in 2005 |  |  |  | X | NA | NA |
| Bhutan | Industrial Property Act of the Kingdom of Bhutan of 2001 |  |  |  | X | NA | NA |
| Bosnia and Herzegovina | Article 6 (6) and (7) of the Patent Law of 28/05/2010 |  | X |  |  |  |  |
| Botswana | Section 9 (1) (e) of the Industrial Property Act of 24/04/2010 | X |  |  |  | NA | NA |
| Brazil | Article10 V of the Industrial Property Law No. 9.279 of 14/05/1996 as last amended by Law No. 10.196 of 14/02/2001 |  | X |  |  | Not specified (Guidelines for examination of 2002) | Not specified (Guidelines for examination of 2002) |
| Brunei Darussalam | Patents Order of 17/10/2011 |  |  |  | X | Not mentioned  (Patent Rules of 2012) | Not mentioned  (Patent Rules of 2012) |
| Bulgaria | Article 6 (2) 3) and (3) of the Patent Law No. 27/2 of 1993 as last amended by Law No. 59/20 of July 2007 |  | X |  |  | NA | NA |
| Burundi | Article 18 of the Law No. 1/13 of 28/07/2009 on Industrial Property |  |  | X |  | NA | NA |
| Cambodia | Law on Patents, Utility Models and Industrial Designs of 22/01/2003, as supplemented by Decree No. 706 of 29/06/2006 |  |  |  | X | NA | NA |
| Canada | Patent Act ( R.S., 1985, c. P-4, Act current to 28/02/2011) |  |  |  | X | * Machine * Method * Product   (MOPOP 16.2) | A computer program is not, by itself, statutory subject-matter.   * Patentable if it provides a novel and inventive technological solution to a technological problem.   (MOPOP 16.03.02)  . |
| Cape Verde | Industrial Property Code, Decree-Law No. 4/2007 of 20/08/2007 Industrial Property Code |  |  |  | X | NA | NA |
| Chile | Industrial Property Law No. N° 19.039 (Consolidated Law of 2006) |  |  |  | X | Not specified  (Guía para el examen de patentes, 2009) | Not specified  (Guía para el examen de patentes, 2009) |
| China | Article 25 (2) of the Patent Law of 12/03/1984 as last amended on 27/12/2008 |  |  |  | X | Not specified | computer program per se not patentable since they are in the category of rules and methods for mental activities (excluded from patentability by Article 25 of the Patent Law)  (Rule 4.2, Chapter 2, Part II, of the SIPO Guidelines of 2010)  if all the contents of a claim include not only rules and methods for mental activities but also technical features, then the claim as a whole is not rules and methods for mental activities, and shall not be excluded from patentability in accordance with Article 25  (Rule 2.2; Chapter 9, Part II, of the SIPO Guidelines of 2010) |
| Costa Rica | Article 1 (2) (a) of the Law on Patents, Industrial Designs and Utility Models  No. 6867 of 25/04/1983 as last amended by Law No. 8632 of 25/05/2008 |  | X |  |  | Not specified in the  “Manual de organización y examen de solicitudes de patentes de invención de las oficinas de propiedad industrial de los países del istmo centroaméricano y la república dominicana” | Not specified in the  “Manual de organización y examen de solicitudes de patentes de invención de las oficinas de propiedad industrial de los países del istmo centroaméricano y la república dominicana” |
| Croatia |  | X |  |  |  | “computer-implemented  invention", intend to cover claims which involve  computers, computer networks or other programmable apparatus  whereby one or more of the features of the claimed invention are  realised by means of a program or programs. Such claims may e.g.  take the form of a method of operating said apparatus, the apparatus  set up to execute the method, or the program itself.  (Rule 1.9, SIPO Guidelines, PART B, Chapter B –I) | Basic patentability considerations: in principle the same as for other subject-matter (technical character).  (Rule 1.9, SIPO Guidelines, PART B, Chapter B –I) |
| Cuba | Article21.3 (i) of the Decree-Law No. 290 of 20/11/2011 on Inventions and Industrial Designs and Models | X |  |  |  | NA | NA |
| Cyprus | Article 5 (2) (c) of the Patent Law of 01/04/1998, No. 16(1) (version of 2006 not available in English) | X |  |  |  | NA | NA |
| Czech Republic | Section 3 (2) (c) and (3) of the Law on Inventions, Industrial Designs and Rationalization Proposals No. 527 of 27/11/1990 as last amended by Act No. 207/2000 Coll. and Act No. 378/2007 |  | X |  |  | NA  (Czech only) | NA  (Czech only) |
| Democratic People’s Republic of Korea | Invention Law of 13/05/1998 |  |  |  | X | NA | NA |
| Democratic Republic of the Congo | Article 12 of the Law No. 82-001 of 07/01/1982 on Industrial Property | X |  |  |  | NA | NA |
| Denmark | Section 1 (2) (iii) of the Consolidate Patent Act No. 108 of 24/01/2012 |  | X |  |  | NA  (Danish only) | NA  (Danish only) |
| Djibouti | Article 26 (g) of the Protection of Industrial Property Law No. 50/AN/09/6th L of 21/06/2009 | X |  |  |  | NA | NA |
| Dominica | Patent Act No. 8 of 07/10/1999 |  |  |  | X | Not specified  (Patent Regulations of 2008) | Not specified  (Patent Regulations of 2008) |
| Dominican Republic | Article 2 (1) e) 3 of the Law on Industrial Property No. 20-00 of 18/04/2000 as least amended by Law No. No. 424-06 of 2006 |  | X |  |  | Not specified  (rules nor guia de registro) | Not specified  (rules nor guia de registro) |
| Ecuador | Article 125 (d) of the Intellectual Property Law (Consolidation No. 2006-13) |  | X |  |  | NA | NA |
| Egypt | Law on the Protection of Intellectual Property Rights No. 82 of 2002 |  |  |  | X | NA  (Arabic only) | NA  (Arabic only) |
| El Salvador | Law on the Promotion and Protection of Intellectual Property Rights (Legislative Decree No. 604 of 15/07/1993) |  |  |  | X | NA | NA |
| Estonia | § 6(2) 5) of the Patent Act (Act No. RT I 1994, 25, 406, as last amended by Act No. RT I, 28.12.2011 of 07/12/2011) | X |  |  |  | NA  (Methodological Guidelines "Invention and Patent Claim" available only in Estonian) | NA  (Methodological Guidelines "Invention and Patent Claim" available only in Estonian) |
| Ethiopia | Section 4 (1) (c) of the Proclamation of the Industrial Property Law No. 123 of 10/05/1995 | X |  |  |  | NA | NA |
| Finland | Section 1(2) 3) of the Patents Act No. 550 of 15/12/1967 as last amended by Act No. 743 of 17 /06/2011 |  | X |  |  | NA  (Guidelines for Search and Examination - Finnish only) | NA  (Guidelines for Search and Examination - Finnish only) |
| France | Article L611-10 (2) (c) and (3) of the Intellectual Property Code, Law No. 92-597 of 01/07/1992 (as last amended on 13/08/2013) |  | X |  |  | les formulations suivantes sont acceptées:  ● programme d’ordinateur comprenant des portions /moyens / instructions de code de programme pour l’exécution des étapes du procédé selon la revendication (X) lorsque ledit programme est exécuté sur un ordinateur  ● produit programme d’ordinateur comprenant des portions / moyens / instructions de code de programme enregistré sur un support utilisable dans un ordinateur, comprenant :  ● des moyens de programmation lisibles par ordinateur pour effectuer l’étape A,  ● des moyens de programmation lisibles par ordinateur pour effectuer l’étape B,  ● des moyens de programmation lisibles par ordinateur pour effectuer l’étape C.  (Directives examen demande de brevet, Titre I, Section C, Chap. VII, rule 1.6) | caractère technique  (Directives examen demande de brevet, Titre I, Section C, Chap. VII, rule 1.6) |
| Gambia | Industrial Property Act of 1989 as last amended on 2007 |  |  |  | X | NA | NA |
| Georgia | Article 16 (1) (c) of the Patent Law of 05/02/1999 as east amended on 2010 | X |  |  |  | Not specified  (Instruction on Procedures Related with  Drafting and Filing Applications for Inventions and Utility Models and Granting a Patent) | Not specified  (Instruction on Procedures Related with  Drafting and Filing Applications for Inventions and Utility Models and Granting a Patent) |
| Germany | Section 1 (3) 3) and (4) of the Patent Law of 16/12/1980 (as last amended by the Act on Improvement of Enforcement of Intellectual Property Rights of 31/07/2009) |  | X |  |  | Not specified  (Guidelines for the examination procedure as of 2004, 4.3) | The exclusion of the subject-matter or activities mentioned under a) to d) is only applicable to the extent that protection is sought for them as such (Sec. 1 (2), (3) Patent Law), ie. they are only excluded from patent protection insofar as they are claimed irrespective of any concrete implementation. Where they are utilised to solve a concrete technical problem, they are generally patentable in this context.  4.3.1. Inventions involving a computer program, an arithmetical or organisational rule, other software characteristics or a program-related process are in principle eligible for patent protection provided they contain a technical teaching.  (Guidelines for the examination procedure as of 2004, 3.3.3.2.1 and 4.3) |
| Ghana | Patent Act, Act No. 657 of 2003 |  |  |  | X | NA | NA |
| Greece | Law No. 1733/1987 on Technology Transfer, Inventions and Technological Innovation  (in Greek only) |  |  |  |  |  |  |
| Guatemala | Section 91 (g) of the Industrial Property Law, Decree No. 57 of  18/09/2000 |  | X |  |  | Not specified  (Patent Regulations 2002) | Not specified  (Patent Regulations 2002) |
| Guinea Bissau | Industrial Property Code of 1996 |  |  |  | X | NA | NA |
| Guyana | Patents and Designs Act (Cap. 90:03) of 01/01/1938 as last revised in 1972 |  |  |  | X | NA  (not specified in Patent Regulations) | NA  (not specified in Patent Regulations) |
| Honduras | Article 5 6) of the Industrial Property Law, Decree Law No. 12-99-E of 30/12/1999 |  | X |  |  | Not specified  (Guía para usuarios de patentes) | Not specified  (Guía para usuarios de patentes) |
| Hungary | Article 1 (2) (c) and (3) of the Law on the Protection of Inventions by Patents No. XXXIII of 1995 (Consolidated text of 01/03/2011) |  | X |  |  | NA  (Available only in Hungarian) | NA  (Available only in Hungarian) |
| Iceland | Article 1 (2) 3) of the Patent Act No. 17 of 1991 as last amended by Act No. 167/2007 | X |  |  |  |  |  |
| India | Section 3 (k) of the Patent Act No. 39 of 1970 as last amended by the Patents Amendment Act No. 15 of 2005 |  | X |  |  | - application for patent for a new  hardware system, the possibility of a computer  programme forming part of the claims depends on a case by case analysis   * Method claims, whether independent or dependent, reciting computer programs without process limitations in the form of hardware features are not allowable * Claims directed at computer programs coupled to hardware: allowable   (Manual of Patent Office Practice and Procedure of 2010, Rule 08.03.06.10) | If a claim in a patent application is not directed at a computer programme per se it could be patentable, if all other patentability conditions are met  (Manual of Patent Office Practice and Procedure of 2010, Rule 08.03.06.10) |
| Indonesia | Law No. 14 of 10/08/2001 regarding Patents |  |  |  | X | NA | NA |
| Iran | Patent, Industrial Design and Trademark Registration Act of 29/10/2007 |  |  |  | X | NA | NA |
| Iraq | Law No. 28 of 1999 |  |  |  | X | NA | NA |
| Ireland | Section 9(2) (c) and (3) of the Patent Act No. 1 of 27/02/1992, as last amended by Law No. 31 of 2006 |  | X |  |  | Not specified (Patent application Guide of 2013) | Not specified (Patent application Guide of 2013 |
| Israel | Patent Law no. 5727 of 1967 as last amended by Law No. 5760-1999 |  |  |  | X | Not specified  (http://old.justice.gov.il/MOJEng/RashamHaptentim/Patents/Instruction/) | Not specified  (http://old.justice.gov.il/MOJEng/RashamHaptentim/Patents/Instruction/) |
| Italy | Article 45 (2) (b) and (3) of the Industrial Property Code, Legislative Decree No. 30 of 15/02/2005 |  | X |  |  |  |  |
| Jamaica | Patents Act of 1857 as last amended in 1975 |  |  |  | X | NA | NA |
| Japan | Article 2 (3) and (4) of the Patent Law No. 121 of 13/04/1959, as last amended by Act No. 63 of 2011 |  |  | X |  | Inventions of:   * Product * -process   (Rule 1.1.1 of the Examination Guidelines for Patent and Utility Model as of July 2013) | Statutory invention: the claimed invention shall be a creation of technical ideas utilizing a law of nature  ((Rule 2.2 of the Examination Guidelines for Patent and Utility Model as of July 2013) |
| Jordan | Law on Patents No. 32 of 1999, as last amended by Law No. 28 of 2007 |  |  |  | X | NA | NA |
| Kenya | Industrial Property Act No. 3 of 27/07/2001 |  |  |  | X | Not specified  (Guideline for the examination of Patents, Utility Models, and Industrial Designs of 2007) | Description: requires to be written substantially in normal language, possibly accompanied by flow diagrams or other aids to understanding, so that the invention may be understood by those skilled in the art who are deemed not to be programming specialists.  No specifications about patentability requirements  (Rule 6.7, Guideline for the examination of Patents, Utility Models, and Industrial Designs of 2007) |
| Lao People’s Democratic Republic | Intellectual Property Law of 14/01/2008 |  |  |  | X | NA | NA |
| Latvia | Section 9 (2) 3) and (3) of the Patent Law of 15/02/2007 |  | X |  |  | NA | NA |
| Lebanon | Patents Law No. 240 of 07/08/2000 |  |  |  | X | NA | NA |
| Lesotho | Industrial Property Order No. 5 of 1989, as last amended by Act No. 4 of 1997 |  |  |  | X | NA | NA |
| Liberia | Industrial Property Act of 2003 |  |  |  | X | NA | NA |
| Libya | Law on Patents and Industrial Designs and Models No. 8 of 1959 |  |  |  | X | NA | NA |
| Lithuania | Article 2 (2) 3) of the Patent Law No. I-372 of 18/01/1994 as last amended by Law No. X-1119 of 10/05/2007 | X |  |  |  | NA  (Rules on filing, examination of patent applications and grant of patents available only in Lithuanian) | NA  (Rules on filing, examination of patent applications and grant of patents available only in Lithuanian) |
| Luxembourg | Article 4 (2) (c) and (3) of the Patent Act of 20/07/1992 |  | X |  |  | NA | NA |
| Madagascar | Industrial Property Law, Ordinance No. 89—019 of 31/07/1989 |  |  |  | X | NA | NA |
| Malawi | Patents Act, Chapter 49:02 of 1957 |  |  |  | X | NA | NA |
| Malaysia | Patents Act No. 291 of 1983 as last amended on 2006 |  |  |  | X | Claims on:   * Product * Process * Use   (Rule 3.6 of the Guidelines for patent examination of 2011) | A computer programme claimed by itself or as a record on a carrier is not patentable, irrespective of its content. The situation is not normally changed when the computer programme is loaded into a known computer. If, however, the subject-matter as claimed makes a technical contribution to the prior art, patentability should not be denied merely on the ground that a computer programme is involved in its implementation  (Rule 3.6 of the Guidelines for patent examination of 2011) |
| Malta | Article 4 (2) (c) and (3) of the Patents and Designs Act, Chapter 417, of 01/06/2002, as amended by Acts IX of 2003 and XVIII of 2005 |  | X |  |  | NA | NA |
| Mauritius | Patents, Industrial Designs and Trademarks Act No. 25 of 2002 |  |  |  | X | NA | NA |
| Mexico | Article 19 IV of the Industrial Property Law of 25/06/1991, last amended version of 06/12/2005 | X |  |  |  | Not specified  (Guía del usuario de Patentes y Modelos de Utilidad de 2012) | Not specified  (Guía del usuario de Patentes y Modelos de Utilidad de 2012) |
| Mongolia | Article 4 (5) 2) of the Patent Law of 25/06/1993, as last amended in 1999 | X |  |  |  | NA | NA |
| Montenegro | Article 5 (2) 4) and (3) of the Law on Patents of 22/10/2008 |  | X |  |  | NA | NA |
| Morocco | Article 23 (3) of the Law No. 17-97 of 15/02/2000 concerning Protection of Industrial Property as implemented by the Decree No. 2-00-368 of 07/06/2004 |  | X |  |  | Na | NA |
| Mozambique | Article 30 (1) d) of the Industrial Property Code, Decree No. 4 of 12/04/2006 | X |  |  |  | NA | NA |
| Nepal | The Patent, Design and Trade Mark Act No. 2022 of 1965 (version of 2006) |  |  |  | X | NA | NA |
| Netherlands | Article 2 (2) (c) and (3) of the Patent Act of 15/12/1994, (Text as it applies on 03/06/2009) |  | X |  |  | NA | NA |
| New Zealand | Section 11 of the Patents Act No. 68 of 2013 |  | X |  |  | Process or product  (Section 11 Patent Act) | (4) The Commissioner or the court (as the case may be) must, in identifying the actual contribution made by the alleged invention, consider the following:  (a) the substance of the claim (rather than its form and the contribution alleged by the applicant) and the actual contribution it makes:  (b) what problem or other issue is to be solved or addressed:  (c) how the relevant product or process solves or addresses the problem or other issue:  (d) the advantages or benefits of solving or addressing the problem or other issue in that manner:  (e) any other matters the Commissioner or the court thinks relevant.  (section 11 Patent Act) |
| Nicaragua | Section 6 (f) of the Industrial Property Law No. 354 of 19/09/2000 as last amended by Decree No. 16-2006 |  | X |  |  | NA | NA |
| Nigeria | Industrial Property Act (Chapter 344) No. 60 of 1970 (as last amended in 1990) |  |  |  | X | NA | NA |
| Norway | Section 1, §2 3) of the Patent Act No. 9 of 15/12/1967 (as amended up to Act No. 8 of 01/07/2010) | X |  |  |  | NA  (Guidelines for Search and Examination – Norwegian only) | NA  (Guidelines for Search and Examination – Norwegian only) |
| Oman | Section 2 (2) of the Royal Decree No. 67/2008 on Industrial Property Rights and their Enforcement |  |  | X |  | NA | NA |
| Pakistan | Patents Ordinance No. LXI of 02/12/2000 (as amended by the Patents Amendment Ordinance of 2002) |  |  |  | X |  |  |
| Panama | Article 14 4) of the Law No. 35 of 10/05/1996 on Industrial Property |  | X |  |  | NA | NA |
| Papua New Guinea | Industrial Property Act No. 30 of 19/07/2000 |  |  |  | X | NA | NA |
| Paraguay | Article 4 (d) of the Patents Law No. 1630 of 29/11/2000 as last amended by Law No. 2.593/2005 |  | X |  |  | NA | NA |
| Philippines | Section 22 2of the Intellectual Property Code, Act No. 8293 of 06/06/1997(as last amended by Act No. 9502 of 2008) | X |  |  |  | NA | NA |
| Poland | Article 28 (v) of the Industrial Property Law of 30/06/2000, as amended by Act of 23/01/2004 and Act of 29/06/2007 | X |  |  |  | NA  (Guidance inventor. Methods of examination of the patentability of inventions and utility Models. –Polish only-) | NA  (Guidance inventor. Methods of examination of the patentability of inventions and utility Models. –Polish only-) |
| Portugal | Article 52 (1) d) of the Industrial Property Code, Decree-Law No. 36 of 05/03/2003 as last amended by Law No. 16 of 01/04/2008 |  | X |  |  | Not specified  (from the Portuguese Institute of Industrial Property website: <http://www.marcasepatentes.pt/index.php?section=340> ) | * a technical solution to a technical problem * involve technical considerations or represent a technical contribution in a technological domain   (from: the Portuguese Institute of Industrial Property website: http://www.marcasepatentes.pt/index.php?section=340 ) |
| Qatar | Article 4 (2) (a) of the Decree Law No. 30 of 2006 To Issue Patents Law | X |  |  |  | NA | NA |
| Republic of Korea | Patent Act promulgated on 28/11/1949 by Military Act No. 950, as last amended by Act No. 11117 of 02/12/2012 |  |  |  | X | Not specified  (Patent Examination Guidelines) | where data processing with a computer program is specifically executed using a hardware, a data processing unit (machine) operating in association with the computer program, its operating method, and a computer readable medium carrying the computer program, the invention is viewed as a statutory invention  (Patent Examination Guidelines: Part III, Chapter 1, Rule 4.1.8) |
| Republic of Moldova | Article 6 (2) (c) and (3) of the Law on the protection of Inventions No. 50-XVI of 07/03/2008 |  | X |  |  | NA | NA |
| Romania | Article 8 (1) (c) and (2) of the Patent Law no. 64 of 1991 as republished in the Official Gazette of Romania, Part I, No. 456/18.VI.2008 |  | X |  |  | Not specified  (The Patent Applicant’s Guide) | Not specified  (The Patent Applicant’s Guide) |
| Russian Federation | Article 1350 (5) 5) of the Patent Act (Chapter 72) | X |  |  |  | NA | NA |
| Rwanda | Article 18 (2) of the Law No. 31/2009 of 26/10/2009 on the Protection of Intellectual Property |  |  | X |  | NA | NA |
| Saint Kitts and Nevis | Patents Act (Cap. 18.25) of 31/12/2002 |  |  |  | X | NA | NA |
| Saint Lucia | Section 9 (2) (a) (iii) of the Patents Act No. 16 of 27/08/2001 | X |  |  |  | NA | NA |
| Saint Vincent and the Grenadines | Patents Act (Act No. 39 of 2004) |  |  |  | X | NA | NA |
| Samoa | Patents Act of 1972 |  |  |  | X | NA | NA |
| San Marino | Article 2 (2) (c) and (3) of the Law No. 79 of 25/05/2005 - Industrial Property Consolidation Act |  | X |  |  | NA | NA |
| Sao Tome and Principe | Law No. 4/2001 of 31/12/2001 on Industrial Property |  |  |  | X | NA | NA |
| Saudi Arabia | Law of Patents, Layout-Designs of Integrated Circuits, Plant Varieties, and Industrial Designs of 16/07/2004 |  |  |  | X | NA | NA |
| Serbia | Article 7, paragraph (5) 4) and (6), of the Law on Patents of 27/12/2011 |  | X |  |  | NA | NA |
| Seychelles | Patents Act, Chapter 156 of 1901 (version of 1991) |  |  |  | X | NA | NA |
| Singapore | Patents Act No. 21 of 25/11/1994 as of 09/10/2009 |  |  |  | X | Not specified  (Patent Rules of 1995 –revised edition of 2007-) | Not specified  (Patent Rules of 1995 –revised edition of 2007-) |
| Slovakia | Article 5 (3) d) and (4) of the Act No. 435/2001 Coll. on Patents, Supplementary Protection Certificates as last amended by Act No. 202/ 2009 Coll. |  | X |  |  | Not specified  (Instruction of the Industrial Property Office of the Slovak Republic Defining Uniform Layout of a Patent Application) | Not specified  (Instruction of the Industrial Property Office of the Slovak Republic Defining Uniform Layout of a Patent Application) |
| Slovenia | Industrial Property Act of 23/05/2001 as last amended on 06/02/2006 |  |  |  | X | NA  (Rules on the registers of applications and industrial property rights and on the certificate of the priority right available only in Slovenian) | NA  (Rules on the registers of applications and industrial property rights and on the certificate of the priority right available only in Slovenian) |
| South Africa | Section 25 (2) f) and (3) of the Patents Act No. 57 of 1978 as last amended by Act, No. 20 of 2005 |  | X |  |  | Not specified  (Patent Regulations of 1978 as last amended in 2006) | Not specified  (Patent Regulations of 1978 as last amended in 2006) |
| Spain | Article 4 4) (c) and 5) of the Law about Patents of Invention and Utility Models No. 11 of 20/03/1986 as last amended by Law No. 14/2011 |  | X |  |  | Not specified  (Directrices de examen de solicitudes de patentes-2006) | * Caracter tecnico   (Directrices de examen de solicitudes de patentes-2006) |
| Sri Lanka | Intellectual Property Act No. 36 of 2003 |  |  |  | X | NA | NA |
| Sudan | Patent Law No. 58 of 1971 |  |  |  | X | NA | NA |
| Swaziland | Patents, Utility Models and Industrial Designs Act No. 6 of 1997 |  |  |  | X | NA | NA |
| Sweden | Article 1(2) 3) of the Patents Act 1967:837, as amended up to 01/07/2011 | X |  |  |  | NA  (Swedish only, the Regulations) | NA  (Swedish only, the Regulations) |
| Switzerland | Federal Patents Law of 25/06/1954 as on 01/01/2012 |  |  |  | X | * Procédé * Dispositive   (Examen quant au fond des demandes  de brevet nationales  -Directives- 2.1.1) | Caractère technique  (Examen quant au fond des demandes  de brevet nationales  -Directives- 2.1.1) |
| Tajikistan | Article 6 (6) of the Law on Inventions of 28/02/2004 | X |  |  |  | NA | NA |
| Thailand | Section 9 (3) of the Patent Act B.E. 2522 of 11/03/1979 as amended by the Patent Act No.3 B.E. 2542 of 1999 | X |  |  |  | NA | NA |
| The Former Yugoslav Republic of Macedonia | Article 25 (3) 3) of the Law on Industrial Property No. 07-1006/1 of 12/02/2009 | X |  |  |  | NA | NA |
| Tonga | Industrial Property Act No. 19 of 09/11/1994 |  |  |  | X | NA | NA |
| Trinidad and Tobago | Patents Act No. 21 of 1996 as last amended by the Act No. 18 of 2000 |  |  |  | X | NA | NA |
| Tunisia | Chapter I, Article 2 (2) (c) of the Patents Law No. 2000-84 of 24/08/2000 | X |  |  |  | NA | NA |
| Turkey | Article 6 (1) (c) of the Decree-Law on the Protection of Patent Rights No. 551 of 27/06/1995 (version of 2009 available only in Turkish) | X |  |  |  | Not specified  (Patent Regulations) | Not specified  (Not specified) |
| Turkmenistan | Available only in Russian |  |  |  |  |  |  |
| Uganda | Patents Act of 15/10/1993 as last amended in 2002 |  |  |  | X | NA | NA |
| Ukraine | Available only in Russian |  |  |  |  |  |  |
| United Arab Emirates | Federal Law No. 31 of 2006 Pertaining to the Industrial Regulation and Protection of Patents, Industrial Drawings, and Designs |  |  |  | X | NA | NA |
| United Kingdom | Section 1 (2) (c) of the Patents Act of 1977(unofficial consolidation of 01/10/2011) |  | X |  |  | Not specified  (Manual of Patent Practice as of 01/07/2013) | Substantive technical contribution  (Manual of Patent Practice as of 01/07/2013, Rule 1.28) |
| United Republic of Tanzania | Patents Act No. 1 of 1987, Chapter 217, as last revised in 1994 |  |  |  | X | NA | NA |
| United States of America | Title 35 of the USC of 19/07/1952 as last amended on 14/01/2013 |  |  |  | X | * Product claim (together with a hardware) * Process claim   (Examination Guidelines for computer-related inventions, Rule 2)  CII: need to disclose the implementation of the functionality through hardware, software or combination of both.  In the case of software it has to indicate the means to accomplish the software function.  (MPEP, Chapter 2100, Section 2181, II, B) | Distinction between descriptive material and non-descriptive material in relation to CII.  \_ patntability: related to the structural and functional interrelation with the medium   * Computer program per se not patentable * - Claimed computer readable medium encoded with a computer program: patentable   (Examination Guidelines for computer-related inventions, Rule 1) |
| Uruguay | Article 13 (e) of the Law No. 17.164 of 02/09/1999 Regulating Rights and Obligations Relating to Patents, Utility Models and Industrial Designs |  | X |  |  | Not specified  (Patents, Utility Models and Industrial Designs Regulations of 2000) | Not specified  (Patents, Utility Models and Industrial Designs Regulations of 2000) |
| Uzbekistan |  |  |  |  |  |  |  |
| Vanuatu | Section 3 (3) (f) of the Patents Act No. 2 of 2003 | X |  |  |  | NA | NA |
| Vietnam | Article 59 2) of the Law on Intellectual Property No. 50/2005/QH11 of 29/11/2005 as last amended by Law No. 36/2009/QH12 | X |  |  |  | NA | NA |
| Yemen | Law No. 2 of 2011 on Patents, Utility Models, Layout Designs of Integrated Circuits and Undisclosed Information |  |  |  | X | NA | NA |
| Zambia | Patent Act of 1958 (Chapter 400) as last amended by Act No. 26 of 28/12/1987 |  |  |  | X | NA | NA |
| Zimbabwe | Patent Act (Chapter 26:03) of 01/02/1972 as last amended by Act No. 14/2002 |  |  |  | X | NA | NA |
| ARIPO | Harare Protocol on Patents and Industrial Designs of 10/12/1982 as last amended on 14/11/2006 |  |  |  | X | Not specified  (Harare Protocol Regulations) | Not specified  (Harare Protocol Regulations) |
| Andean Community | Article 15 (e) of the Decision No. 486 of 14/09/ 2000 of the Commission of the Andean Community - Common Industrial Property Regime (Cartagena Agreement) |  | X |  |  | \_ | \_ |
| European Patent Convention | Article 52 (2) (c) and (3) of the European Patent Convention |  | X |  |  | The examiner should disregard the claim category and concentrate on its content in order to determine whether the claimed subject-matter, considered as a whole, has a technical character.  (Rule 3.6, Part G, Chapter II-5 of the Guidelines for examination as of 2012) | * Technical character   (Rule 3.6, Part G, Chapter II-5 of the Guidelines for examination as of 2012) |
| GCC | Article 3 (1) 1) of the Patent Regulation of the Cooperation Council for the Arab States of the Gulf (as at 23/04/2002) | X |  |  |  | NA | NA |
| OAPI | Article 6 (g) of the Agreement Revising the Bangui Agreement of 02/03/1977, on the Creation of an African Intellectual Property Organization (Bangui Agreement) as last revised in 1999 | X |  |  |  | Not specified  (Regulations Under the Agreement Revising the Bangui Agreement and Guide du déposant) | Not specified  (Regulations Under the Agreement Revising the Bangui Agreement and Guide du déposant) |

[End of Annex II and of document]