COMPILATION OF VARIOUS LEGAL PROVISIONS / MEMBER STATES' INPUTS ON EXCEPTIONS REGARDING PRIVATE OR NON-COMMERCIAL USE

COMPILATION DE DIVERSES DISPOSITIONS JURIDIQUES / CONTRIBUTIONS DES ÉTATS MEMBRES RELATIVES' AUX EXCEPTIONS CONCERNANT L'UTILISATION PRIVÉE OU NON-COMMERCIALE

COMPILACIÓN DE DIVERSAS DISPOSICIONES JURÍDICAS / CONTRIBUCIONES DE LOS ESTADOS MIEMBROS SOBRE LAS EXCEPCIONES RELATIVAS AL USO PRIVADO O NO COMERCIAL

متنوعة قانونية لأحكام تجميع / التجاري غير أو الخاص بالاستخدام المتعلقة الاستثناءات بشأن الأعضاء الدول ومدخلات

关于私人或非商业使用例外的各种法律条款汇编 / 成员国意见

ПОДБОРКА РАЗЛИЧНЫХ ПРАВОВЫХ ПОЛОЖЕНИЙ / ВКЛАДОВ ГОСУДАРСТВ-ЧЛЕНОВ ОБ ИСКЛЮЧЕНИЯХ, КАСАЮЩИХСЯ ЧАСТНОГО ИЛИ НЕКОММЕРЧЕСКОГО ИСПОЛЬЗОВАНИЯ

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SCP/38/3 CORR. APPENDIX reflects the addition of a footnote to the legal provision of Argentina as reported in document SCP/38/3 APPENDIX.

ALBANIA

Article 38 (1) (a) of the Law on Industrial Property № 9947 of July 7, 2008 (as amended up to Law № 96/2021 of July 7, 2021)

Article 38. Limitation of the Effects of the Patent

(1) The rights conferred by the patent shall not extend to:

[…]

a) Acts performed privately, not for commercial purposes;

ALGERIA

Article 12 of the Ordinance No. 03-07 of July 19, 2003, on Patents.

Article 12: Limitation of the Effects of the Patent

[…]

The rights stemming from a patent shall extend only to the acts performed for industrial or commercial purposes.

Such rights shall not extend to:

1. Acts performed solely for scientific research purposes;

2. Acts concerning the product covered by the patent after the product has been lawfully traded.

3. The use of means patented on board foreign vessels, spacecraft or air or land locomotives which temporarily or accidentally enter the national waters, air space or territory.

ARGENTINA[1]

Article 36 (a) of Law No. 24.481 of September 20, 1995, on Patents for Inventions and Utility Models (as amended up to Law No. 27.444 of June 18, 2018)

Article 36. Terms and Effects of Patents

The right conferred by a patent shall have no effect against:

[…]

[1] According to the clarification provided by Argentina, Article 36(a) establishes limited exceptions concerning specified experimental, testing and teaching activities and does not establish a general exception for private and/or non-commercial use of patented inventions.

a) A third party who privately or in an academic environment and without gainful intent, conducts scientific or technological research activities for purely experimental, testing or teaching purposes, and to that end manufactures or uses a product or applies a process identical to the one patented;

ARMENIA

Article17(1)(1) of Law of the Republic of Armenia of June 10, 2008, on Inventions, Utility Models and Industrial Designs

Article 17. Acts not Recognized as Infringements on the Exclusive Right Conferred by Patent

(1) The use of patented invention, utility model shall not constitute an infringement of the exclusive rights of the patent owner under Article 16 of this Law if used:

[…]

1. For personal needs with no purpose to make profit;

AUSTRIA

Section 22 on Law on Patents 1970

Section 22. Paragraph 1

The patent entitles the patentee to exclude others from producing the subject matter of the invention, putting it on the market, offering it for sale or using it or importing or possessing it for the above purposes on a commercial basis.

AZERBAIJAN

Article 23 on Law of the Republic of Azerbaijan on Patents, No. 312-IQ of 10 June 1997 (as amended).

Article 23. Acts not constituting infringement of the exclusive rights of patent owners

The following shall not be deemed as infringements of the exclusive rights of the patent owner:

[…]

Non-profit use of product containing patented subject matter of industrial property for non-commercial purposes;

BELARUS

Art. 10 (part 5) of the Law of the Republic of Belarus No. 160-Z of December 16, 2002, on Patents for Inventions, Utility Models and Industrial Designs (as amended up to October 29, 2004)

Art. 10 (part 5). Acts not constituting infringement of the exclusive rights of patent owners

The following is not recognized as an infringement of the exclusive right of the patent owner:

[…]

– The use of an invention, utility model, and industrial design for the satisfaction of personal, family, home and other needs, that are not associated with entrepreneurship, if the purpose of such a use is not connected with obtaining profit.

BELGIUM

Article XI.34, §1(a) of Book XI of the Code of Economic Law

Article XI.34, §1(a) states that:

The rights conferred by a patent shall not extend to any of the following acts:

acts carried out privately and for non-commercial purposes.

BOSNIA AND HERZEGOVINA

Article 73(a), Patent Law (Official Gazette of Bosnia and Herzegovina No. 53/10)

Article 73. Exceptions from the Exclusive Rights

The patent holder's exclusive right shall not apply to:

a) Acts in which an invention is exploited for private and non-commercial purposes,

[…]

BOLIVIA

Article 53(a), Andean Community Decision No. 486 – Common Industrial Property Regime

Article 53(a) states that:

> The owner of the patent may not exercise the right referred to in the foregoing Article in relation to the following acts:
>
> (a) acts performed in a private circle for non-profit-making purposes.

BRAZIL

Article 43 (I), Law No. 9.279 of 14 May 1996 (Industrial Property Law)

Article 43.

The provisions of the previous Article do not apply:

[…]

I. To acts carried out by unauthorized third parties, privately and without commercial purposes, provided these acts do not prejudice the economic interests of the patentholder;

BULGARIA

Article 20(1), Law on Patents and Registration of Utility Models (LPUMR)

Art. 20. Limitations on the Effect of the Patent

The effect of the patent shall not cover:

[…]

1. The use of the patented invention for non-commercial purposes with a view to satisfying personal needs, as long as this does not result in significant financial losses for the patent holder;

2. Use of the invention for experimental and research purposes related to the object of the patented invention;

3. Single and direct preparation of a medicine at a pharmacy upon prescription;

4. Use of the patented invention in foreign land, maritime and air vehicles which cross the country's land, sea or air borders temporarily or accidentally, provided that the patented invention is used exclusively for the needs of the said vehicles.

CHILE

Article 49, Law No. 19.039 of Industrial Property (as amended)

Article 49 states that:

> The right conferred by the patent does not extend to:
>
> a) acts carried out privately and without commercial motives.

CHINA

Article 11 of the Patent Law of the People's Republic of China

Article 11

[…]

After the grant of the patent for an invention or an utility model, except where otherwise provided for in this Law, no entity or individual may, without the authorization of the patentee, exploit the patentee's patent, that is, for production or business purposes, manufacture, use, offer to sell, sell or import the patented product, or use the patented process, and use, offer to sell, sell or import the product directly obtained by the patented process.

After the grant of the patent for an design, no entity or individual may, without the authorization of the patentee, exploit the patentee's patent, that is, for production or business purposes, manufacture, offer to sell, sell or import the products incorporating the patentee's patented design.

HONG KONG, CHINA

Section 75 (a) of the Patents Ordinance, Hong Kong, China

Section 75. Limitation of effect of patent

The rights conferred by a patent shall not extend to

[…]

(a) Acts done privately for non-commercial purposes;

COLOMBIA

Article 53(a), Andean Community Decision No. 486 – Common Industrial Property Regime

Article 53(a) states that:

The owner of the patent may not exercise the right referred to in the foregoing Article in relation to the following acts:

(a) acts performed in a private circle for non-profit-making purposes.

COSTA RICA

Article16 (2) (a) of Law No. 6867 of April 25, 1983, on Patents, Industrial Designs and Utility Models

Article 16. Rights conferred by patents. Limitations

(2). Provided that the following exceptions do not unjustifiably affect the normal working of the patent or result in unreasonable prejudice to the legitimate interests of the owner or his licensee, the rights conferred by the patent shall not extend to:

[…]

(a) Legal acts of any nature, provided that they are performed in a private sphere and for Noncommercial purposes

CROATIA

Article 98 (1) Patent Act, NN 16/2020-328

Article 98. Exceptions from exclusive rights

The patent holder's exclusive right of exploitation of the invention shall not apply to:

[…]

1. Acts in which the invention is exploited for private and non-commercial purposes;

CYPRUS

Article 27(3) (II) Patents Law No. 16(I)/1998, amended up to Law No. 122(I)/2006

Article 27

(3) Notwithstanding paragraphs (I) and (2) of this section, the. owner of a patent shall have no right to prevent third parties from performing, without his authorization, the acts referred to in subsections (1) and (2) of this section in the following circumstances:

[…]

(ii) Where the act is done privately and on a non-commercial scale, provided that it does not significantly prejudice the economic interests of the proprietor of the patent.

CZECH REPUBLIC

Section 18 (d) of *Act No. 527/1990 Coll., of November 27, 1990, on Inventions and Rationalization Proposals (amended up to Act No. 261/2021 Coll.)*

Section 18.

The rights of the proprietor of the patent shall not be infringed by use of the protected invention:

[…]

d) In acts done for non-commercial purposes;

DENMARK

Section 3 (3) (i), The Consolidate Patents Act (Consolidate Act No. 90 of 29 January 2019)

Section 3 (3)

The exclusive right shall not extend to;

[…]

(I) Acts done for non-commercial purposes,

DOMINICAN REPUBLIC

Article 30(a), Law No. 20-00 on Industrial Property

Article 30. Limitation and Extent of the Rights of the Patent

The patent does not give the right to prevent:

[…]

a) Actions carried out in private and with non-commercial purposes;

ECUADOR

Article 53 (a) of the Andean Community Decision No. 486 (Common Regime on Industrial Property)

Article 53

The owner of the patent may not exercise the right referred to in the foregoing Article in relation to the following acts:

[…]

(a) Acts performed in a private circle for non-profit-making purposes;

EL SALVADOR

Article 208 (a) of the Intellectual Property Act

Article 208

Article 208. A patent does not confer the right to prevent:

[…]

a) Acts performed in the private sphere and for non-commercial purposes that do not unjustifiably interfere with the normal exploitation of the invention that the owner may carry out or is carrying out.

b) Acts performed exclusively for the purpose of experimenting with the patented invention that do not unjustifiably interfere with the normal exploitation of the invention that the owner may carry out or is carrying out.

c) Acts performed exclusively for the purposes of teaching or scientific or academic research that do not unjustifiably interfere with the normal exploitation of the invention that the owner may carry out or is carrying out.

ESTONIA

Section 16 (5), Patents Act (consolidated text of August 31, 2023)

Section 16. Acts which do not constitute infringement of exclusive right of proprietor of patent

The following acts do not constitute infringement of the exclusive right of the proprietor of a patent:

[…]

5) The private non-commercial use of the patented invention if such use does not harm the interests of the proprietor of the patent;

FINLAND

Section 3 (3)(1), Patents Act (Act No. 550/1967)

Section 3 (3)

The exclusive right shall not apply to:

[…]

(1) Use which is not commercial;

FRANCE

Article L613-5(a), French Intellectual Property Code (Code de la propriété intellectuelle)

Article L613-5(a)

The rights conferred by the patent shall not extend to:

[…]

(a) The acts performed in a private context and for non-commercial purposes.

GEORGIA

Article 52 (b) of Law No. 1791 of February 5, 1999, on Patents

Article 52. Restriction of Exclusive Rights

The following shall not be considered an infringement of exclusive rights:

[…]

b) Private use of invention for personal ends, unless such action is intended for economic activity;

GERMANY

Section 11 (1) of Patent Act, PatG, amended up to Act of 23 October 2024

Section 11

The effect of a patent does not extend to

[…]

1. Acts done privately and for non-commercial purposes;

GREECE

Article 10 par. 2 a of Law No. 1733/1987

Article 10

2. The owner of the patent may not forbid, in the meaning of the preceding paragraph, the following activities:

a. The use of the invention for nonprofessional or research purposes;

GUATEMALA

Article 130, Decree No. 57-2000, Industrial Property Law

Article 130 states that:

A patent shall not give its holder the right to prevent:

a) Acts carried out in the private sphere and for non-commercial purposes.

HONDURAS

Article 18 of Industrial Property Law (approved by Decree No. 12-99-E and amended by Decree No. 16-2006)

Article 18

[…]

The rights conferred by the patent may only be enforced against acts performed by third parties for industrial or commercial purposes. In particular, such rights may not be enforced against acts performed exclusively in the private sphere and for non-commercial purposes, or for experimentation, scientific research or teaching purposes relating to the subject matter of the patented invention.

The rights conferred by the patent may not be enforced against any person who markets, acquires or uses the product patented or obtained through the patented process, immediately after said product has been introduced lawfully intonational or international Trade by the owner of the patent or by his licenses.

HUNGARY

Article 19 (6)(a) of Act No. XXXIII of 1995 on the Protection of Inventions by Patents (consolidated text of March 1, 2025)

Article 19. Rights conferred by the patent

(6) The exclusive right of exploitation shall not extend to:

[…]

(a) Acts done privately and for non-commercial purposes;

Section 6 of Act CXXVII of 2007 on Value Added Tax

[…]

(1) Economic activity' shall mean any business activity carried out independently on a regular or continuing basis for the purposes of obtaining income, or that results in the obtainment of income.

(2) The concept of economic activity shall include any activity of producers, traders or persons supplying services, including industrial, agricultural and commercial activities, and activities of an intellectual or artistic nature carried out by persons within their professions.

IRELAND

Section 42(a), Patents Act 1992

Section 42(a) provides that:

> The rights conferred by a patent shall not extend to:

(a) acts done privately for non-commercial purposes.

ISRAEL

Section 1(2) (i) of Patent Law, 5727-1967

Section 1. Exploitation of an invention

(2) In respect of an invention that is a process, use of the process, and in respect of a product directly derived from the process, any act that is one of the following: production, use, offer for sale, sale, or import for purposes of one of the said acts; but exclusive of any of the following:

[…]

I. An act that is not on a commercial scale and is not commercial in character.

II. An experimental act in connection with the invention, the objective of which is to improve the invention or to develop another invention.

III. An act performed under the provisions of section 54A

ITALY

Article 68(1)(a) Industrial Property Code (Legislative Decree No. 30 of February 10, 2005, as amended up to Law No. 102 of July 24, 2023)

Article 68 (1). Limitations of patent rights

The exclusive power attributed by the patent right does not extend, whatever the object of the invention:

[…]

a) To acts carried out in a private context and for non-commercial purposes; to acts carried out on an experimental basis relating to the object of the patented invention, or the use of biological material for cultivation purposes, or the discovery and development of other plant varieties;

JAPAN

Article 68 of Patent Act (Act No. 121 of April 13, 1959, as amended up to Act No. 47 of May 23, 2003)

Article 68. Effects of patent rights

[…]

A patentee shall have an exclusive right to commercially work the patented invention. However, where the patent right is the subject of an exclusive license, this provision shall not apply to the extent that the exclusive licensee exclusively possesses the right to work the patented invention.

KENYA

Section 58 (1) of Industrial Property Act, 2001 (Cap. 509)

Section 58. Limitation of rights

[…]

(1) The rights under the patent shall extend only to acts done for industrial or commercial purposes and in particular not to acts done for scientific research.

LATVIA

Sec. 20 (1) of Patent Law amended up to May 22, 2024

Section 20. Limitations of the Exclusive Rights Resulting from a Patent

The exclusive rights resulting from a patent shall not be implemented in relation to:

[…]

1) The activities performed for personal needs and non-commercial purposes;

LITHUANIA

Article 35 (3) (1) Patent Law No. I-372 of January 18, 1994, consolidated version as of January 1, 2022

Article 35. Patent proprietor's rights

(3) The proprietor of the patent shall have no right to prevent third parties from performing acts referred to in paragraphs 1 and 2 of this Article, provided that such acts:

[…]

1) Are done privately and for non-commercial purposes and it does not significantly prejudice the economic interests of the proprietor of the patent;

LUXEMBOURG

Article 47, Law of 20 July 1992 amending the system for patents for inventions (as amended)

Article 47 states that:

> The Rights afforded by the patent shall not extend to:
>
> (a) Acts done privately and for non-commercial purposes.

MADAGASCAR

Article 30(1), Ordinance No. 89-019 of 31 July 1989 Establishing Arrangements for the Protection of Industrial Property

Article 30 (1)

[…]

The rights deriving from a patent or an inventor's certificate shall extend only to acts carried out for industrial and commercial purposes.

MALAYSIA

Section 37 (1) of Patents Act 1983 Act No. 291, amended up to Act No. A1649

Section 37. Limitation of rights

[…]

(1) The rights under the patent shall extend only to acts done for industrial or commercial purposes and shall not extend to acts done for experimental or scientific research purposes.

MALTA

Article 27 (6) (a) of the Patents and Designs Act (Chapter 417), originally enacted as Act XVII of 2000 and subsequently amended.

Article 27 (6) (a) states that:

[…]

Notwithstanding sub articles (1) and (2), the proprietor of a patent shall have no right to prevent third parties from performing the acts referred to in sub articles (1) and (2)(b) in the following circumstances:

(*a*) where the act is done privately and for non-commercial purposes, provided that such act does not significantly prejudice the economic interests of the proprietor of the patent.

MEXICO

Article 57(I), Federal Law on the Protection of Industrial Property (Ley Federal de Protección a la Propiedad Industrial, 2020)

Article 57(I)

[…]

I. A third party who, in the private or academic sphere and for non-commercial purposes, carries out purely experimental scientific or technological research, testing or teaching activities, and for that purpose manufactures or uses a product or uses a process equal to that patented.

MOROCCO

Article 55 (a), Law No. 17-97 on the Protection of Industrial Property (promulgated by Dahir No. 1-00-91 of 9 Dhul- Qa'dah 1420 (February 15, 2000), and amended up to Law No. 23-13)

Article 55

The rights afforded by a patent shall not extend to:

[…]

(a) Acts done privately and for non-commercial purposes;

NETHERLANDS

Article 54c (a) of National Patent Act 1995, Netherlands (Kingdom Act of December 15, 1994, Containing Rules Regarding Patents, status as of June 1, 2023)

Article 54c

The rights arising from a patent do not apply to:

[…]

a. Acts done in the private sphere for non-commercial purposes;

NICARAGUA

Article 46, Law No. 354 on Patents, Utility Models and Industrial Designs

Article 46 states that:

> A patent shall not confer the right to prohibit the following acts:
>
> (a) those conducted in a private circle and for non-commercial purposes, and also those conducted solely for the purposes of experimentation in relation to the subject matter of the patented invention.

NORWAY

Section 1(1) of Act No. 9 of December 15, 1967, on Patents, Patents Act, amended up to July 1, 2019

Section 1

[…]

(1) Within any technical field, any person who has made an invention which is susceptible of industrial application, or his successor in title, shall, in accordance with this Act, have the right on application to be granted a patent for the invention and thereby obtain the exclusive right to exploit the invention commercially or operationally.

Section 3

The exclusive right shall not include:

1. Exploitation outside the course of professional activity

PANAMA

Article 19(1), Law No. 35 of 10 May 1996 on Industrial Property

Article 19(1) states that:

> The right conferred by a patent shall have no effect whatever against:
>
> 1. a third party who, in the private sphere and on a non-commercial scale, or for a non-commercial purpose, engages in acts involving the patented invention.

PERU

Article 53 (a) of the Andean Community Decision No. 486 (Common Regime on Industrial Property)

Article 53

The owner of the patent may not exercise the right referred to in the foregoing Article in relation to the following acts:

[…]

(a) Acts performed in a private circle for non-profit-making purposes;

PHILIPPINES

Section 72 (2), Intellectual Property Code of the Philippines, Republic Act No. 8293 (2015 Edition)

Section 72. Limitations of Patent Rights.

The owner of a patent has no right to prevent third parties from performing, without his authorization, the acts referred to in Section 71 hereof in the following circumstances:

[…]

(2) Where the act is done privately and on a non-commercial scale or for a non-commercial purpose: Provided that it does not significantly prejudice the economic interests of the owner of the patent;

POLAND

Article 66 (1) of the Act of June 30, 2000, on Industrial Property (amended up to Act of March 9, 2023)

Article 66

[…]

(1) The patent holder shall have the right to prevent any third party not having his consent from exploiting his invention for profit or for professional purposes by way of performing the acts consisting of:

i. Making, using, offering, putting on the market a product that is the subject matter of the invention, or importing the product for such purposes, or

ii. Employing a process that is the subject matter of the invention, as well as using, offering, putting, on the market or importing for such purposes the product directly obtained by that process.

PORTUGAL

Article 103(1)(a) of Industrial Property Code (approved by Decree-Law No. 110/2018 of December 10, 2018, and amended up to Decree-Law No. 9/2021 of January 29, 2021)

Article 103. Limitation of the rights conferred by the patent

1. The rights conferred by the patent shall not cover the following:

[…]

a) Acts performed within a private scope and without any commercial purposes;

REPUBLIC OF KOREA

Article 94 (1) of the Patent Act (amended up to Act No. 21134 of November 11, 2025), the effect of a patent right is limited to acts performed ‘as a business.’

Article 94. Effects of Patents

[…]

(1) A patentee shall have the exclusive right to practice his or her patented invention for business purposes: Provided, That the foregoing shall not apply where an exclusive license of the patent has been granted so that the exclusive licensee can have the exclusive right to practice the patented invention under Article 100 (2).

REPUBLIC OF MOLDOVA

Article 22 (1) (a) of Law No. 50 of March 7, 2008, on the Protection of Inventions (as amended up to Law No. 98 of April 27, 2023),

Article 22. Limitation of Effects of a Patent

(1) The rights conferred by a patent shall not extend to:

[…]

a) Acts done privately on a non-commercial scale;

b) Acts done for experimental purposes relating to the subject-matter of the patented invention;

b1) Acts done for the purpose of obtaining an authorization to put a product that is the subject matter of the invention on the market;

c) The extemporaneous preparation by a pharmacy, for individual cases, of a medicine in accordance with a medical prescription or acts concerning the medicine so prepared;

d) The use of the subject-matter of a patented invention on board of any foreign vessel of countries members of the international treaties in the field of inventions to which the Republic of Moldova is also a party which temporarily or accidentally enters the waters of the Republic of Moldova, provided that the invention is used exclusively for the needs of the vessel;

e) The use of the subject-matter of the patented invention in the construction or operation of foreign aircraft or land vehicles or other means of transport of countries members of the international treaties in the field of inventions to which the Republic of Moldova is also a party, or of accessories to such vehicles when such means of transport temporarily or accidentally enter the territory of the Republic of Moldova; (2) The use referred to in paragraph (1) above shall be allowed, provided that it does not unreasonably conflict with a normal use of the patented invention and does not unreasonably prejudice the legitimate interests of the patent owner, taking account of the legitimate interests of third parties. In the contrary case, the patent owner is entitled to adequate compensation for the injury suffered because of the unauthorized exploitation of the invention.

ROMANIA

Article 34 (1) (c) of Law No. 64 of October 11, 1991, on Patents (amended up to Law No. 83/2014)

Article 34

(1) The following acts shall not constitute infringements of the rights provided in Art. 32 and Art. 33:

[…]

c) Performing any of the acts referred to in Art. 31, paragraph (2) exclusively privately and for non-commercial purposes; production or use of the invention, as the case may be, exclusively privately and for non-commercial purposes;

RUSSIAN FEDERATION

Article 1359(4), Civil Code (Parts One, Two, Three and Four)

Article 1359. Actions Not Deemed an Infringement of the Exclusive Right to an Invention, Utility Model or Industrial Design

The following are not deemed an infringement of the exclusive right to an invention, utility model
or industrial design:

[…]

4) The use of the invention, utility model or industrial design for meeting personal, family, household or other needs other than entrepreneurial activity, unless profit-making or making earnings is the purpose of the use;

SAUDI ARABIA

Article (47) of *Law of Patents, Layout Designs of Integrated Circuits, Plant Varieties, and Industrial Designs (Royal Decree No. M/27)*

Article (47)

[…]

The owner of the protection document may initiate an action before the Committee against any person who infringes upon his invention by exploiting it in the Kingdom without his consent. The following shall be deemed exploitation of the invention:

a) If it is a product: Its manufacture, sale, offering for sale, use, or storage, or its importation for any of these purposes.

b) If it is a process: Using the process or performing any of the acts referred to in the previous paragraph, in relation to the product which is directly obtained by the use of this process.

The owner of the protection document's right shall not preclude others from exploiting his invention in non-commercial activities relating to scientific research.

REPUBLIC OF SERBIA

Article 21 (1) of Law on Patents Official Gazette of the Republic of Serbia No. 99/2011, 113/2017, 95/2018, 66/2019 and 123/2021

Article 21. *Exceptions to Exclusive Rights*

The exclusive rights of a right holder referred to in Articles 14 and 15 of this Law shall not apply to:

[…]

(1) The use of invention or the use of products made on the grounds of the invention for personal, non-commercial purposes;

SINGAPORE

Section 66(2)(a) of Patents Act 1994 (2020 Revised Edition, amended up to March 9, 2025)

Section 66

(2) An act which, apart from this subsection, would constitute an infringement of a patent for an invention is not an infringement of a patent if;

[…]

(a) It is done privately and for purposes which are not commercial;

SLOVAKIA

Article 18(1)(e) Act No. 435/2001 Coll. on Patents, Supplementary Protection Certificates and Amendment of Some Acts (Patent Act)

Article 18. Limitation of the effects of the patent

(1) The rights of the patent owner are not violated if the invention is exploited;

[…]

(e) In activities carried out privately and for non-commercial purposes,

Article 3 (h). Definition of some terms

[…]

(h) Commercial exploitation of a patent or an invention means any activity in relation to the patent as a subject-matter of a right or in relation to the invention as the subject-matter of the patent performed by the patent owner or another authorized person with the aim of making a profit.

SLOVENIA

Article 19(a), Industrial Property Act (ZIL-1)

Article 19 (a) states that:

> The rights referred to in Article 18 (Patent rights) of this Act shall not apply to:
>
> a) acts done privately and for non-commercial purposes.

SPAIN

Article 61 (1) (a) of Law No. 24/2015 of July 24, 2015, on Patents (as amended by Law No. 6/2018 of July 3, 2018)

Article 61. General Limitations and Exhaustion of Patent Rights

(1) The rights conferred by the patent do not extend to:

[…]

a) Acts performed in a private setting and for non-commercial purposes.

b) Acts performed for experimental purposes relating to the subject matter of the patented invention.

c) The conduct of studies and trials necessary to obtain marketing authorization for medicinal products in Spain or outside Spain, and the resulting practical requirements, including the preparation, procurement and use of the active ingredient for those purposes.

d) The preparation of medicines carried out in pharmacies on an ad hoc basis and on a per-unit basis in fulfillment of a medical prescription, nor to acts relating to medicines so prepared.

e) The use of the subject matter of the patented invention on board ships of countries belonging to the Paris Union for the Protection of Industrial Property, in the hull, machinery, rigging, equipment or other accessories of such ships, when they temporarily or accidentally enter Spanish waters, provided that the subject matter of the invention is used exclusively for the needs of the ship.

f) The use of the subject matter of the patented invention in the construction or operation of means of transport, whether aerial or terrestrial, belonging to member countries of the Paris Union for the Protection of Industrial Property, or of their accessories, when such means of transport temporarily or accidentally enter Spanish territory.

g) Acts provided for in Article 27 of the Convention on International Civil Aviation, done at Chicago on December 7, 1944, when such acts relate to aircraft of a State to which the provisions of the aforementioned article apply.

2. The rights conferred by the patent do not extend to acts relating to a product protected by it after that product has been placed on the market in the European Economic Area by the patent holder or with their consent, unless there are legitimate grounds justifying the patent holder’s opposition to the further marketing of the product.

3. The rights conferred by the patent shall not extend to acts relating to biological material obtained by reproduction or multiplication of protected biological material covered by the patent, after such material has been placed on the market in the European Economic Area by the patent holder or with their consent, where the reproduction or multiplication is the necessary result of the use for which such biological material was placed on the market, and provided that the material obtained is not subsequently used for further reproduction or multiplication.

SRI LANKA

Section 86 (1) (I) of Intellectual Property Act, No. 36 of 2003

Section 86. Limitation of owner's rights.

(1) The provisions of section 84 shall,

[…]

I. Extend only to acts done for industrial or commercial purposes and in particular shall not extend to acts done only for the purpose of scientific research;

SWEDEN

Article 3, 2nd para (1) of Patents Act (Swedish Statute Book, SFS, 1967:837)

Article 3.

The following acts are exempted from the exclusive right:

[…]

1. Acts of exploitation which are not commercial,

SWITZERLAND

Article 9 (1) (a) of Federal Act of June 25, 1954, on Patents for Inventions (status as of July 1, 2025)

Article 9. Exceptions to effects of the patent

(1) The effects of the patent do not extend to:

[…]

a) Acts undertaken within the private sphere for non-commercial purposes;

SYRIAN ARAB REPUBLIC

Article (24) (3) (A) of Law No. 18 of 2012 on Grant, Registration, and Publication of Patents, and the Rights Arising from the Registration

Article (24)

(3) It shall not be considered as infringement on that right the following practices of a third party:

[…]

A. Practices that are carried out in private, and for non-commercial purposes , and practices related to scientific research, or to the environment or climate.

B. Preparing medicines in pharmacies immediately and individually based on a medical prescription and the work related to medicines prepared in this way.

C. The fact that a third party manufactures a product or uses a method for manufacturing a specific product or makes serious arrangements for that in Syria, unless he is in bad faith, before the date of submitting a patent application from another person for the same product, or by manufacturing it. Therefore, despite the issuance of the patent, the third party has the right to continue. For the benefit of his facility only, by carrying out the same aforementioned works without expanding them, and the right to carry out these works may not be waived, or this right may be transferred, except with the rest of the facility's elements.

D. Indirect uses of the production method, which constitutes the subject matter of the invention, in order to obtain other products.

E. Using the invention in means of land, sea or air transportation belonging to one of the countries or entities that are members of the industrial property agreements in force in Syria or that treat Syria reciprocally, if any of these means are present in Syria on a temporary or occasional basis.

F. The manufacture, installation, use or sale of the product by others during its protection period with the aim of obtaining a license to market it within the Syrian Arab Republic, provided that marketing does not take place until after the expiration of the patent protection period.

G. Actions carried out by third parties, other than those previously mentioned, provided that they do not cause serious harm to the normal use of the patent or to the legitimate interests of the patent owner.

TAJIKISTAN

Article 30 of Law of the Republic of Tajikistan No. 17 of February 28, 2004, on Inventions

Article 30. Actions not recognized as an infringement of an exclusive right

The following actions shall not be deemed infringements of a patent owners' exclusive right:

[…]

- Use of the devices incorporating an invention for needs without aiming to derive any income for personal, domestic and other needs not connected with entrepreneurial activity.

TÜRKIYE

Article 85 (3) (a) of Law No. 6769 on Industrial Property amended up to Law No. 7251 dated 22/7/2020

Article 85. Scope of a patent right and its limits

(3) The practices mentioned below shall be out of the scope of the rights provided by a patent:

[…]

a) Practices which do not involve industrial or commercial purposes and are confined to special purposes;

UGANDA

Section 28 of Patents Act, Chapter 216, revised and consolidated as at 31 December 2000 and 31 December 2023

Section 28. Limitation

[…]

The rights of the owner of a patent shall extend only to the use of the patented invention for industrial or commercial purposes,

UKRAINE

Article 31(2), of Law of Law No. 3687-XII on Protection of Rights to Inventions and Utility Models.

Article 31 (2)

The use of the patented invention (utility model) shall not be considered to be the infringement of rights deriving from a patent provided that it is used:

in a construction or during the exploitation of a vehicle of a foreign state that temporarily or occasionally is situated at any sea, air, or at the territory of Ukraine, provided that an invention (utility model) is used exclusively for the said vehicle operation;

[…]

- Without any commercial purpose;

UNITED KINGDOM

Section 60(5)(a) of Patents Act 1977, Chapter 37, updated March 21, 2025

Section 60. Infringement

(5) An act which, apart from this subsection, would constitute an infringement of a patent for an invention shall not do so if;

[…]

(a) It is done privately and for purposes which are not commercial;

UNITED REPUBLIC OF TANZANIA

Section 37 (1) Patents (Registration) Act, Chapter 217 [Revised Edition 2023]

Section 37. Limitation of rights

[…]

(1) The rights under the patent shall extend only to acts done for industrial or commercial purposes and in particular not to acts done for scientific research.

URUGUAY

Article 39(a) of the Law No. 17.164 of 2 September 1999 on Patents, Utility Models and Industrial Designs.

Article 39(a) states that:

The right conferred by a patent shall not extend to the following acts:

[…]

“Acts carried out in the private sphere and for non-industrial or non-commercial purposes, provided that they do not cause economic harm to the patent holder.”

VIET NAM

Article 125(2)(a) of the Law on Intellectual Property (Law No. 50/2005/QH11, as amended)

Article 125

(2) Owners of industrial property objects shall not have the right to prevent others from performing the following acts:

[…]

(a) Using inventions in service of their personal needs or for non-commercial purposes.

ZAMBIA

Section 78 (a) of Patents Act, 2016

Section 78

It is not an infringement of a patentee's right in a patent if –

(a)the reproduction of the patented invention is done by a person for private and not commercial exploitation purposes;

EURASIAN PATENT OFFICE (EAPO)

Rule 19 of the Patent Regulations under the Eurasian Patent Convention

Rule 19 Acts not Infringing the Eurasian Patent

The following cases of the use of the patented invention shall not constitute an infringement of the Eurasian patent:

[…]

- Use for private non-profit-making purposes;

[End of the Appendix and of document]