

Industrial Property

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ORGANIZATION (WIPO)

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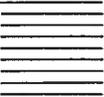
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Erik Tuxen

The Danish Patent and Trademark Office has informed us of the death, on May 22, 1974 after a short illness, of its Director, Mr. Erik Tuxen.

We were privileged to collaborate with Mr. Tuxen on many occasions and have been left with the memory of a highly intellectual and warm-hearted man. His name will always be closely identified with the history of the Danish patent and trademark system.

The death of this distinguished man represents a great loss for the Danish Patent and Trademark Office.

**WORLD INTELLECTUAL PROPERTY ORGANIZATION****WIPO Convention****Accession****DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA**

The Government of the Democratic People's Republic of Korea deposited on May 17, 1974 its instrument of accession to the Convention Establishing the World Intellectual Property Organization (WIPO).

The Democratic People's Republic of Korea, which is a member of a Specialized Agency brought into relationship with the United Nations, meets the condition set forth in Article 5(2)(i) of the WIPO Convention.

Pursuant to Article 11(4)(b) of the WIPO Convention, the Democratic People's Republic of Korea has expressed the wish to belong to Class C.

Pursuant to Article 15(2), the WIPO Convention will enter into force with respect to the Democratic People's Republic of Korea on August 17, 1974.

WIPO Notification No. 53, of May 31, 1974.

on secrecy in the case of inventions which are important for defense purposes are not mentioned, nor is the general requirement of secrecy until the time when the application or patent is published or laid open for public inspection.

- (h) *Item 8* deals with the right of prior users to continue use of an invention despite an exclusive right which has been granted in favor of another person.
- (i) *Item 9* concerns the duration of the titles granted.
- (j) *Item 10* lists the relevant multilateral conventions to which the country concerned is a party, including, in the case of conventions administered by WIPO, the year in which a particular convention entered into force with respect to the country concerned.
- (k) *Item 11* deals with the treatment of foreign nationals and priority rights. If a law does not distinguish between nationals and foreigners, the tables refer to this fact by indicating "national treatment." As regards the priority right, a relevant indication is made where the country concerned is party to an international convention providing for a priority right even if the national law does not contain an express provision to this effect.
- (l) *Item 12* concerns invalid clauses in license agreements in as far as they are contained in laws relating to the protection of inventions (as regards the completeness of information contained in this item, see above, paragraph 3).
- (m) *Item 13* deals with provisions on compulsory licenses, revocation or expropriation where the invention is not worked. The separation of this item from item 14, which deals with the application of the same measures for other reasons, is in line with Article 5, Section A of the Paris Convention, where a distinction is made between "failure to work" and other abuses which might result from the exercise of the exclusive rights conferred by the patent. The inclusion or exclusion of particular provisions of national law under item 13, however, is not to be understood as the expression of an opinion concerning the interpretation of those provisions: the question whether a provision of a national law relates to the subject matter of Article 5, Section A(4) of the Paris Convention (which deals with "failure to work") can be decided only by the competent authorities of each country. This is of particular importance where, in addition to failure to work the invention, other conditions are contained in the relevant provisions of the national law.
- (n) *Item 14* deals with compulsory licenses, revocation or expropriation, for reasons other than non-working of the invention. In this context, some references are made also to relevant legislative provisions which are not contained in laws specifically dealing with the protection of inventions, where such provisions are directly related to such laws.

[First part]

Algeria

1. Official title and date of current legislation

Ordinance relating to Inventors' Certificates and Patents for Inventions (No. 66-54 of March 3, 1966) (I. P. 1966, p. 232).

Decree for the Implementation of Ordinance No. 66-54, of March 3, 1966, relating to Inventors' Certificates and Patents for Inventions (No. 66-60 of March 19, 1966) (I. P. 1969, p. 184).

Decree Determining the Fees for Inventors' Certificates and Patents (No. 66-120 of May 19, 1966).

Ordinance Creating the Algerian Institute of Standardization and Industrial Property (INAPI) (No. 73-62 of November 21, 1973) (I. P. 1974, p. 183).

2. Title(s) granted by the competent administration

The Algerian Institute of Standardization and Industrial Property grants inventors' certificates to Algerian inventors and to foreign inventors who request them, and patents to foreign inventors who opt for them (Ordinance No. 66-54, Art. 7 and 12). An inventor's certificate confers on the holder certain rights, in particular, the right to be regarded as inventor and the right to a reward, and imposes on the State certain obligations, in particular, the obligation to inquire into the possibilities for the exploitation of the invention through State instrumentalities, to reward the inventor if the invention is actually exploited and to give its assistance for testing and developing the invention (Ordinance No. 66-54, Art. 8 and 9).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Inventions which are new, which result from inventive activity and which are capable of industrial application may be protected by an inventor's certificate or by a patent (Ordinance No. 66-54, Art. 1).

Novelty

An invention is new if it is not included in the prior art, the latter being constituted by everything which has been made accessible to the public by a written or oral description, by use, or by any other means before the date of the application concerned, or the priority date validly claimed in respect thereof; an invention is not considered to have been made accessible to the public by the sole fact that, in the six months preceding the application, the inventor or his successor in title exhibited it at an official or officially recognized international exhibition (Ordinance No. 66-54, Art. 2 and 7).

Inventive step

An invention is considered as resulting from inventive activity if it does not obviously follow from the prior art (Ordinance No. 66-54, Art. 3).

Industrial application

An invention is considered to be capable of industrial application if the subject of the invention can be manufactured or utilized in any field of industry, including agriculture (Ordinance No. 66-54, Art. 4).

4. Non-patentable subject matter

Principles and discoveries of a scientific character; plant varieties or breeds of animals, or essentially biological processes for breeding plants or animals, except microbiological processes and products obtained from such processes (Ordinance No. 66-54, Art. 1(2) and 5).

5. Scope of disclosure (e. g. including best mode of using invention)

The application for an inventor's certificate or a patent must include a specification of the invention, drawn up in a sufficiently clear and complete manner to enable any person skilled in the art to carry it into effect, and a summary setting out the fundamental principle of

the invention and the drawings necessary for the specification to be understood (Ordinance No. 66-54, Art. 26 and 27; Decree No. 66-60, Art. 9 to 23).

6. Search and examination by the competent administration

Examination as to form; patents are granted, at the risk of the applicant, without guarantee as to the reality, novelty or merit of the invention or the fidelity or accuracy of the description (Ordinance No. 66-54, Art. 33).

7. Publication of application and of grant of title; document(s) issued

Patents are published, and official copies of the specifications and drawings may be obtained by the public (Ordinance No. 66-54, Art. 35).

8. Rights of others derived from prior manufacture or use

Any person who, at the time of an application for an inventor's certificate or a patent, or at the date of a priority validly claimed for it, was, in good faith, manufacturing the article or using the process forming the subject of the invention protected may, despite the inventor's certificate or the patent, be entitled to continue his activity (Ordinance No. 66-54, Art. 11 and 15).

9. Duration

Certificates and patents: Twenty years from the filing date of the application (Ordinance No. 66-54, Art. 6).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1966), Lisbon Act of 1958 (since 1966).

11. Treatment of foreign nationals and priority rights

National treatment. In the absence of any reciprocal agreement, applicants domiciled abroad must appoint an Algerian agent domiciled in Algeria (Ordinance No. 66-54, Art. 26). Priority right under Paris Convention (Ordinance No. 66-54, Art. 28).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

Any person interested may, after four years from the date of the application for a patent, or three years from the date of the grant of the patent, apply to the competent court for a non-exclusive compulsory license in any case of non-working or insufficient working, and particularly where:

- the patented invention being capable of being worked within Algeria has not been sufficiently worked there;
- the working of the invention within the country is being prevented or hindered by importation of the patented article.

(Ordinance No. 66-54, Art. 44(1) and (3) and 52)

Working means the manufacture of a patented article, the use of a patented process or the utilization, for purposes of manufacture, of a patented machine by an establishment existing within the country, to an appropriate and reasonable extent, having regard to the circumstances (Ordinance No. 66-54, Art. 44).

A compulsory license is not granted if the patentee justifies his inaction by legitimate reasons; importation does not constitute a legitimate reason (Ordinance No. 66-54, Art. 44).

An applicant for a compulsory license must produce evidence that he has previously approached the patentee and has not been able to obtain a contractual license from him under reasonable conditions (Ordinance No. 66-54, Art. 46).

A compulsory license is only granted to an applicant who is able to provide the necessary guarantees of working capable of remedying the

deficiencies which have given rise to the license being granted (Ordinance No. 66-54, Art. 47). A compulsory license can only be granted subject to payment (Ordinance No. 66-54, Art. 48).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

Compulsory licenses may also be granted by the Court, subject to the same procedural conditions as are referred to in 13, where:

- the demand for the patented article is not being satisfied within the country on reasonable conditions;
- the patentee has refused to grant licenses under reasonable conditions;
- a substantial export market for the patented article, manufactured within the country, is not being supplied;
- the establishment or development of commercial or industrial activities within the country is being substantially hindered;
- the conditions imposed by the patentee upon the grant of licenses, or upon the purchase, hire or use of the patented article or process, substantially prejudice the manufacture, use or sale of materials protected by the patent, or where the establishment or development of commercial or industrial activities in the country is substantially prejudiced.

(Ordinance No. 66-54, Art. 44(2) and (4) to (7))

A compulsory license may be granted in the case of dependent patents to the extent necessary for the working of the later invention provided that it has different industrial objectives or represents a notable technical advance; if the two inventions have the same industrial objectives, the compulsory license is granted subject to the grant of a license under the later patent to the owner of the earlier patent, if he so requests (Ordinance No. 66-54, Art. 45).

Argentina

1. Official title and date of current legislation

Patent Law No. 111 of 1864, as amended to 1967 (I. P. 1969, p. 334). Regulations (implementing the Patent Law), as amended to 1967 (I. P. 1969, p. 339, without further amendments enacted from 1967).

2. Title(s) granted by the competent administration

The National Direction of Industrial Property grants patents of invention, patents of confirmation and provisional patents (*patentes precaucionales*) (Law, Art. 1, 5 and 33).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

New industrial products, new methods and new applications of known methods for obtaining an industrial result or product (Law, Art. 3).

Novelty

Discoveries or inventions which, prior to the patent application, have been given, either within or outside the country, sufficient publicity in printed works, pamphlets or periodicals for their working are not patentable (Law, Art. 4).

Industrial application

Industrial application of discoveries or inventions must be indicated (Law, Art. 4).

4. Non-patentable subject matter

Pharmaceutical compositions, financial schemes, and purely theoretical discoveries or inventions (Patent Law, Art. 4).

5. Scope of disclosure (e. g. including best mode of using invention)

The application must be accompanied by a description of the invention together with drawings and samples necessary for its understanding (Law, Art. 15).

6. Search and examination by the competent administration

Examination as to form and substance (Law, Art. 20).

7. Publication of application and of grant of title; document(s) issued

A concise description of the invention is published in the press upon grant of the patent (Law, Art. 43).

Descriptions, drawings, samples and models of granted patents (except for provisional patents) are open for inspection, and the National Direction of Industrial Property will give a copy of them on request (Law, Art. 44).

At the beginning of every year, a volume containing an account, with descriptions, of all patents granted during the past year is published and deposited with the National Direction of Industrial Property for free consultation (Law, Art. 45).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

(a) *Patents of invention*: These are granted for five, ten or fifteen years taking into consideration the merits of the invention and the wish of the applicant (Law, Art. 5). Certificates of addition are not granted for a longer time than that remaining until the expiry of the principal patent, provided that it does not exceed ten years; but if half of the said time has already elapsed or if the improvement reduces by at least half, the cost of production, the time, the risk to persons or things, or has other similar results, the National Direction of Industrial Property decides, at its discretion, the time for which the certificate will be granted (Law, Art. 27).

(b) *Provisional patents*: These are granted for a renewable term of one year to any person engaged in research activity and are kept secret (Law, Art. 33 and 35).

(c) *Patents of confirmation*: These are granted for a maximum term of ten years but in no event must exceed the life of the foreign patent (Law, Art. 5).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1967), Lisbon Act of 1958 (since 1967). Convention on Patents of Invention (Montevideo, 1889).

11. Treatment of foreign nationals and priority rights

National treatment. Priority right under Paris Convention.

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

The patent lapses:

- if two years have elapsed from the issue of the patent without the patented invention having been worked;
- if working is interrupted for two years, unless by reason of force majeure or fortuitous event accepted by the National Direction of Industrial Property (Law, Art. 47).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

If a certificate of addition is obtained by a person other than the owner of the patented invention with respect to which the improvement was made the improver does not enjoy the exclusive working of his invention except on condition that he pays a royalty to the first inventor, the amount of which is decided by the Commissioner; the first inventor has the option of accepting the said royalty or working the improvement in competition with the improver (Patent Law, Art. 29 and 30).

Australia

1. Official title and date of current legislation

Patents Act 1952-1969 (I. P. 1962, p. 112, 144, 162, 186; 1963, p. 215; 1970, p. 82).

Patents Regulations as amended to 1969.

2. Title(s) granted by the competent administration

The Patent Office grants patents (Act, Sec. 62).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any manner of new manufacture (Act, Sec. 35(1)(aa)).

Novelty

The patent may be revoked by the Court if the invention was not, so far as claimed in any claim, novel in Australia on the priority date of that claim (Act, Sec. 100(1)(g)).

The following do not destroy novelty:

- publication in Australia by means of a description in a patent specification (or official abridgements or extracts thereof) more than 50 years old and lodged in connection with an application for a patent made in Australia, or for a patent or similar protection in a country outside Australia;
- publication or use when information on the invention is derived from the inventor without his consent, and he applies for the patent with all reasonable diligence after becoming aware of the publication or use;
- disclosure or use at an officially recognized exhibition, provided that the inventor has given to the Commissioner notice of his intention to exhibit and applies for a patent before the closing of the exhibition or within six months after the opening of the exhibition if it is open longer than six months;
- publication in a paper prepared by the inventor and read before, or published by, a learned society, provided a patent application is made within six months of the reading or publication;
- public working of the invention for purposes of reasonable trial within one year of the priority date of the claim.

(Act, Sec. 158)

Inventive step

The patent may be revoked by the Court if the invention is obvious and does not involve an inventive step having regard to what was known or used in Australia on or before the priority date of the claim (Act, Sec. 100(1)(e)).

Industrial application

The patent may be revoked by the Court if the invention is not useful (Act, Sec. 100(1)(h)).

4. Non-patentable subject matter

The Commissioner may refuse to grant a patent for an invention which is a substance capable of being used as food or medicine and is a mere mixture of known ingredients, or a process producing such a substance by mere admixture (Act, Sec. 155(1)).

5. Scope of disclosure (e. g. including best mode of using invention)

A full description of the invention is required, including the best method of performing the invention which is known to the applicant; the claims must define the invention (Act, Sec. 40(1)).

6. Search and examination by the competent administration

Examination as to substance on request by the applicant (or on request after direction by the Commissioner) to be made within five years of the filing date of the complete specification; search covers prior Australian patents and applications, as well as Australian publications (Act, Sec. 47, 47A, 47B and 48).

7. Publication of application and of grant of title; document(s) issued

The complete specification is open to public inspection, at the request of the applicant, at any time after three months have elapsed since the complete specification was lodged; otherwise the complete specification is open to public inspection 18 months after lodging; notification is published in the Official Journal (Act, Sec. 54A(1) and (2)).

Acceptance of the application and the complete specification is advertised in the Official Journal; opposition to the grant of the patent may be made within three months (or a further period of three months on application) of the date of the advertisement (Act, Sec. 59(1)).

The Register of patents is open to public inspection (Act, Sec. 28).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

Sixteen years from the date on which the complete specification was lodged (Act, Sec. 68(1) and 67(1)). Extension of the term is possible if the patentee has been inadequately remunerated by his patent or if by reason of hostilities between Australia and a foreign State the patentee has suffered loss or damage, including loss of opportunity of dealing in or developing his invention (Act, Sec. 90, 94 and 95).

10. Relevant multilateral conventions

WIPO Convention of 1967 (since 1972); Paris Convention of 1883 (since 1925), London Act of 1934 (since 1958), Stockholm Act of 1967 (administration: since 1972). European Convention on the International Classification of Patents of 1954.

11. Treatment of foreign nationals and priority rights

National treatment (Act, Sec. 34(1)). Priority right under international conventions (Act, Sec. 141).

12. Invalid clauses in license agreements

It is not lawful to insert in a contract in relation to the sale or lease of, or a license to use or work, a patented article or process, a condition the effect of which would be:

- to prohibit or restrict the purchaser, lessee or licensee from using an article or process, whether patented or not, supplied or owned by a person other than the seller, lessor or licensor, or his nominee; or
 - to require the purchaser, lessee or licensee to acquire from the seller, lessor or licensor, or his nominee, an article not protected by the patent,
- and any such condition is void.

These provisions do not apply if:

- the seller, lessor or licensor proves that, at the time the contract was entered into, the purchaser, lessee or licensee had the option of purchasing the article or obtaining a lease or license on reasonable terms without the condition; and
- the contract entitles the purchaser, lessee or licensee to relieve himself of his liability to observe the condition on giving the other party three months' notice in writing, and on payment of such compensation as is fixed by an arbitrator appointed by the Attorney-General.

A contract relating to the lease of, or license to use or work, a patented article or patented process may at any time after the patent has ceased to be in force, be determined by either party on giving three months' notice in writing to the other party.

In proceedings for infringement it is a defense that a contract relating to the patent was in force at the time of the infringement and contained an unlawful condition.

The above provisions do not affect:

- a condition in a contract by which a person is prohibited from selling goods other than those of a particular person;
- a condition in a lease or license agreement by which the lessor or the licensor reserves to himself or his nominee the right to supply

such new parts of the patented article as are required to put or keep it in repair.

(Act, Sec. 112)

13. Compulsory license, revocation or expropriation where the invention is not worked

Three years from the date of the sealing of the patent, a non-exclusive compulsory license, transferable only with an enterprise with which the license is used, may be granted and, two years from the grant of the first compulsory license, the patent may be revoked, if the reasonable requirements of the public with respect to a patented invention have not been satisfied, i. e.

- if, by default of the patentee to manufacture to an adequate extent, and supply on reasonable terms, the patented article, or to carry on the patented process to an adequate extent, an existing trade or industry, or the establishment of a new trade or industry, in Australia is unfairly prejudiced, or the demand for the patented article, or the article produced by the patented process, is not reasonably met;
- if the patented invention, being an invention capable of being worked in Australia, is not being worked in Australia on a commercial scale and no satisfactory reason is given for the non-working.
- if the working of the patented invention in Australia on a commercial scale is being hindered by the importation of the patented article by the patentee, persons claiming under him, persons directly or indirectly purchasing from him or by other persons against whom the patentee does not take proceedings for infringement.

(Act, Sec. 108 to 110)

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

The same sanctions, after the same period, as are referred to in 13 apply:

- if, by default of the patentee to grant licenses on reasonable terms, an existing trade or industry, or the establishment of a new trade or industry, in Australia is unfairly prejudiced or the demand for the patented article, or the article produced by the patented process, is not reasonably met;
- if a trade or industry in Australia is unfairly prejudiced by the conditions attached by the patentee to the purchase, hire or use of the patented article, or to the using or working of the patented process.

(Act, Sec. 108 to 110)

The State or any person authorized by the State may make, use, exercise or vend the patented invention for the services of the State subject to the payment of compensation agreed upon or fixed by the Court (Act, Sec. 125(1) and (5)).

An invention which is the subject of a patent application, or a patent, may be acquired by the State subject to the payment of compensation (Act, Sec. 129(1) and (3)).

Austria**1. Official title and date of current legislation**

Patent Law, 1970 (I. P. 1971, p. 146; 1972, p. 268).

2. Title(s) granted by the competent administration

The Patent Office grants patents (Art. 1 and 57).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Inventions that are new and industrially applicable (Art. 1).

Novelty

An invention is not considered to be new if, before the time of the application, it has been described in printed publications or has

already been publicly used, exhibited or demonstrated within the country in such a manner that use thereafter by persons skilled in the art seems possible, or it has been the subject of a privilege or valid utility model which has subsequently become part of the public domain (Art. 3).

4. Non-patentable subject matter

The following are not patentable:

- inventions which relate to matters governed by a monopoly of the Confederation, except where only the offering for sale or marketing of goods manufactured through the invention or directly through the process, in case of inventions relating to a process, is restricted by legal provisions;
- inventions of foodstuffs or luxury goods for human consumption, medicaments and substances produced by a chemical process, in so far as these inventions do not relate to a particular technical process for the manufacture of such goods.

(Art. 2)

5. Scope of disclosure (e. g. including best mode of using invention)

The patent application must include a description, which describes the invention so clearly, distinctly and completely that its use is possible by persons skilled in the art, one or more claims which define the scope of protection sought, and the drawings necessary for understanding the description (Art. 91).

6. Search and examination by the competent administration

Examination as to form and substance (Art. 99).

7. Publication of application and of grant of title; document(s) issued

Where the Patent Office considers that the application has been made in proper form and that the grant of a patent is not precluded, it orders the application to be published; the application is then laid open to public inspection (Art. 101). Opposition may be filed within four months from the day of publication (Art. 102).

When the patent has been finally granted, the Patent Office orders the entry of the protected invention in the Patent Register, the publication of the grant in the Patent Gazette, the issue of the patent certificate to the patentee and the printing and publication of the patent description (Art. 109).

8. Rights of others derived from prior manufacture or use

Any person who, at the time of the application, had already used, in good faith, the invention in the country or had made, in good faith, the necessary arrangements for doing so, may, despite the patent, use the invention for the needs of his own business (Art. 23).

9. Duration

Eighteen years from the date of the publication of the application (Art. 28).

10. Relevant multilateral conventions

WIPO Convention of 1967 (since 1973); Paris Convention of 1883 (since 1909), Stockholm Act of 1967 (since 1973). European Convention Relating to the Formalities Required for Patent Applications of 1953.

11. Treatment of foreign nationals and priority rights

National treatment, but retaliatory measures are possible against citizens of a foreign State which accords no protection or incomplete protection to Austrian citizens (Art. 51). Any person who has neither residence nor establishment in Austria must appoint an agent in Austria (Art. 21(3)). Priority right under Paris Convention (Art. 95).

12. Invalid clauses in license agreements

Where a license agreement contains a term preventing the licensee from exercising a given activity or limiting such activity, which does not relate solely to the manner or the extent of working the invention,

the federal authorities may declare such term invalid, if the interest of the national economy, national defense, public safety or other general interest is prejudiced thereby; this applies in particular where the licensee is prohibited from manufacturing, putting on the market, offering for sale or using products for the manufacture of which the patented invention is not needed or from employing a process not covered by the patent, or where the licensee is required to manufacture products in such a way as to permit or to render impossible or difficult the use of other products, or where the licensee is required to refrain from putting on the market, offering for sale or using products not corresponding to such conditions of manufacture (Art. 38 and 39).

13. Compulsory license, revocation or expropriation where the invention is not worked

Where a patented invention is not worked sufficiently in Austria and where the patentee has not taken all steps for such working, any person may apply for a license to work the patent for the purposes of his business, unless the patentee proves that the invention could not reasonably have been worked, or could not reasonably have been worked to a greater extent, in Austria owing to the difficulties of exploitation; such a license can only be applied for after four years from the filing of the application or three years from the publication of the grant, whichever period last expires (Art. 36(2) and (4)).

The patent may be revoked, in whole or in part, if the invention is exploited exclusively or mainly abroad, and if the grant of a compulsory license has not been sufficient to secure the working of the invention in Austria to an appropriate extent; revocation may not be ordered until two years have elapsed since the grant of a compulsory license became effective; patents are not revoked if the patentee shows that, owing to the difficulties of exploitation, he cannot reasonably work the invention in Austria or have it worked, at all or to a greater extent (Art. 47).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

Four years after the filing of the patent application, or three years after publication of the grant, whichever period last expires:

- the patentee of an invention of considerable commercial or industrial significance which cannot be worked without the use of an invention patented earlier may apply for a license to work the earlier patent; where such a license is granted, the earlier patentee may demand a license to work the later patent, to the extent that the two inventions are in fact connected;
- if a license for a patented invention is required in the public interest, any person may apply for such license for the purposes of his business.

(Art. 36(1), (3) and (4))

If the patentee refuses to grant a license on reasonable terms the Patent Office determines the matter at the request of the applicant for the license (Art. 36(4)).

Expropriation of patents may be ordered by the federal authorities against payment of a fair compensation if the interest of the armed forces or of public welfare or any other compelling federal interest so requires (Art. 29).

Belgium

I. Official title and date of current legislation

Law on Patents of Invention of May 24, 1854, as amended to 1944 (P. I. 1944, p. 73).

Royal Decree of May 24, 1854 implementing the Law on Patents of Invention, as amended to 1939 (P. I. 1944, p. 113).

Royal Decree of September 12, 1861 relating to the receipt of patent applications (P. I. 1885, p. 22).

Royal Decree of May 7, 1900 implementing the Law of May 24, 1854. Rules of the Patent Office of July 31, 1902 (P. I. 1902, p. 167).

- Law of December 30, 1925 amending the laws on patents of invention, trademarks, industrial designs and industrial property in general.
 Royal Decree of August 11, 1939 concerning irregularities in patent applications (P. I. 1939, p. 156).
 Royal Decree No. 85 of November 17, 1939 concerning trademarks, patents and industrial property in general.
 Decree of June 12, 1947 delegating the power to sign the titles relating to patents and trademarks (P. I. 1950, p. 118 and 151).
 Law of January 10, 1955 relating to the disclosure and working of inventions and manufacturing secrets relevant to defense and security (P. I. 1955, p. 63).
 Law of July 15, 1957 to facilitate the filing of applications for patents, trademarks and industrial designs in connection with official or officially recognized international exhibitions held in Belgium (P. I. 1960, p. 189).
 Royal Decree of September 12, 1957 relating to the execution of the law of July 15, 1957 (P. I. 1960, p. 190).
 Royal Decree of September 29, 1958 determining the method of payment of fees for patent applications and the maintenance in force of patents, as amended by the Royal Decree of December 31, 1958 (P. I. 1960, p. 192).
 Royal Decree of September 25, 1961 amending the Royal Decree of August 11, 1939.
 Royal Decree of October 9, 1962 amending Article 5 of the Royal Decree of May 24, 1854.
 Law of June 1, 1964 amending the Law of May 24, 1854.
 Royal Decree of August 8, 1964 amending the Royal Decrees of May 24, 1854, September 29, 1958 and December 31, 1958.
 Royal Decree of December 20, 1965 amending the Royal Decree of May 24, 1854.
 Law of October 10, 1967 containing the *Code judiciaire* (I. P. 1971, p. 122).
- 2. Title(s) granted by the competent administration**
 The Industrial Property Office grants patents of invention, of improvement or of importation (Law of 1854, Art. 1, 16 and 19).
- 3. Criteria of patentability (novelty, inventive step, industrial application, progress)**
 Every discovery or every improvement capable of being used for the purposes of industry or commerce (Law of 1854, Art. 1).
Novelty
 An invention is new if it has not been used, put into operation or worked by a third party in Belgium for a commercial purpose before the date of the application, or if the complete specification and the exact drawings of the subject of the invention have appeared before the date of the application in a printed and published work (Law of 1854, Art. 24, A and C).
Industrial application
 An invention must be capable of being used in industry or commerce (Law of 1854, Art. 1).
- 4. Non-patentable subject matter**
 Any discovery or improvement not capable of being used in industry or commerce (Law of 1854, Art. 1).
- 5. Scope of disclosure (e. g. including best mode of using invention)**
 The application must include a clear and complete description of the invention, and drawings necessary to understand the description; the applicant must also provide, for the purpose of publication in the official compilation, a summary setting out in a precise and succinct manner the principal characteristics which constitute the novelty of the invention (Law of 1854, Art. 17; Royal Decree of May 24, 1854, Art. 1, 4 and 5; Royal Decree of September 12, 1861, Art. 3(1) as amended by the Royal Decrees of May 7, 1900 and August 8, 1964, Art. 4 as amended by the Royal Decrees of December 15, 1912 and September 10, 1924, and Art. 5 as amended by the Royal Decrees of September 10, 1924, and October 9, 1962).
- 6. Search and examination by the competent administration**
 Examination as to form; patents are granted without preliminary examination at the risk of the applicant, and without guarantee as to the reality, novelty or merits of the invention, or as to the accuracy of the description, and without prejudice to the rights of third parties (Law of 1854, Art. 2; Royal Decree of May 24, 1854, and Royal Decree of September 12, 1961 (as amended up to Royal Decree of August 8, 1964), Art. 14).
- 7. Publication of application and of grant of title; document(s) issued**
 The application documents are registered in the order of their filing in a special register which the public may consult at the Industrial Property Office (Royal Decree of May 24, 1854, and Royal Decree of September 12, 1861 (as amended up to Royal Decree of August 8, 1964), Art. 11).
 Granted patents, including the descriptions, are published in full or in summary in a special compilation three months after the grant of the patent (Law of 1854, Art. 20; Royal Decree of May 25, 1854, and Royal Decree of September 12, 1861 (as amended up to Royal Decree of August 8, 1964), Art. 16). After the same period of three months the public may inspect the descriptions and copies can be obtained on payment of costs (Law of 1854, Art. 20; Royal Decree of May 24, 1854, and Royal Decree of September 12, 1861 (as amended up to Royal Decree of August 8, 1964), Art. 17).
 If the patentee requests the complete publication of his specifications or the publication of an extract supplied by him, this publication is made at his expense (Law of 1854, Art. 20). He must give prior notice at least one month before the end of the three-month period following the grant (Royal Decree of May 24, 1854, and Royal Decree of September 12, 1861 (as amended up to Royal Decree of August 8, 1964), Art. 16).
 The first copy of the patent is provided without charge; every subsequent copy requested by the patentee or his successors in title is provided on payment of costs (Royal Decree of May 24, 1854, and Royal Decree of September 12, 1861 (as amended up to Royal Decree of August 8, 1964), Art. 15).
- 8. Rights of others derived from prior manufacture or use**
 No provision in the legislation referred to under 1.
- 9. Duration**
 Twenty years from the date when the filing of the application was recorded (Law of 1854, Art. 3). The author of a discovery already patented abroad can obtain a patent of importation in Belgium; the duration of this patent does not exceed that of the patent previously granted abroad for its longest term, but with a maximum of 20 years (Law of 1854, Art. 14).
- 10. Relevant multilateral conventions**
 Paris Convention of 1883 (since 1884), Lisbon Act of 1958 (since 1965). European Convention Relating to the Formalities Required for Patent Applications of 1953.
- 11. Treatment of foreign nationals and priority rights**
 National treatment. Priority right under Paris Convention.
- 12. Invalid clauses in license agreements**
 No provision in the legislation referred to under 1.
- 13. Compulsory license, revocation or expropriation where the invention is not worked**
 The patentee must work the invention or cause it to be worked in Belgium within one year from the commencement of working abroad; the Government may grant an extension for a maximum period of one year; at the expiration of the first year or of any extended period the patent is cancelled by royal decree (Law of 1854, Art. 23; Royal Decree of May 24, 1854, and Royal Decree of September 12, 1861 (as amended up to Royal Decree of August 8, 1964), Art. 18).

Cancellation will also be ordered if the invention is worked abroad but has ceased to be worked in Belgium for one year, unless the patentee justifies his inaction (Law of 1854, Art. 23).

(N. B. Under the Law of April 27, 1965, Belgians may claim the application in their favor of the provisions of Art. 5A of the Paris Convention, as revised at Lisbon in 1958.)

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

The State has the right to use a patented invention or to obtain a license if necessary for the defense of the country or security of the State (Law of January 10, 1955, Art. 3).

Brazil

1. Official title and date of current legislation

Law Establishing an Industrial Property Code and Containing Other Provisions, No. 5772 of 1971 (I. P. 1972, p. 175).
Ordinances No. 391-394 of October 1, 1973.

2. Title(s) granted by the competent administration

The National Institute of Industrial Property grants patents for inventions and patents for utility models (Law, Art. 2(a); Ordinance No. 392, Art. 1.1)).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

(a) Patents for inventions

An invention which is new, involves an inventive step and is capable of industrial application is patentable (Law, Art. 6; Ordinance No. 391, Art. 1.1)).

Novelty: An invention is not new if it forms part of the prior art; prior art means anything made available to the public through oral or written disclosure or through use or in any other way, including the contents of patents in Brazil and abroad, before the filing of the patent application (Law, Art. 6(2)).

Inventive step: An invention involves an inventive step when it results from creative activity in such a way that a person skilled in the art would not consider it to obviously follow from the prior art (Ordinance No. 391, Art. 1.1.1)).

Industrial application: An invention is capable of industrial application whenever it can be manufactured or used on an industrial scale (Law, Art. 6(3)).

(b) Patents for utility models

A utility model means any new arrangement or form obtained from known implements, working tools or utensils or embodied therein, provided that it is capable of practical use or work (Law, Art. 10). A utility model must be new and capable of industrial application (Law, Art. 6).

Progress: The new form or arrangement must contribute to a better application of the function for which the object or machine part is intended (Law, Art. 10(2)).

4. Non-patentable subject matter

(a) Patents for inventions

Substances, materials or products obtained by chemical processes or means (however, processes for obtaining or transforming the same are patentable).

Medicaments and nutritive or chemico-pharmaceutical substances, materials, mixtures or products, of any kind, including processes for obtaining or modifying them.

Mixtures of metals, and alloys in general, with the exception, however, of those which do not fall within the preceding item and which have specific intrinsic qualities especially characterized by their qualitative

composition defined by reference to quantities or to any special treatment which they have undergone.

Combinations of known processes, means or elements, mere changes in form, proportions, dimensions or materials, unless the overall result produces a new or different technical effect and is not otherwise unpatentable.

The use or application of discoveries, including varieties or species of microorganisms, for specific purposes.

Operating or surgical or therapeutic techniques, not including devices, apparatus or machines.

Systems and programs, plans or schemes for commercial bookkeeping, calculations, financing, credit, selection of lottery winners, speculation or advertising.

Purely theoretical concepts.

Substances, materials, mixtures, components or products of any kind, as well as the modification of their physical and chemical properties and the processes for obtaining or modifying them, which result from a transformation of the atomic nucleus.

(Law, Art. 9)

(b) Patents for utility models

Anything not patentable as an invention (see 4).

Works of sculpture, architecture, painting, engraving, enamelling, embroidery and photography and any other industrial design of a purely artistic nature.

The subject matter of a patent for an invention or of a registration of a trade or service mark or publicity slogan or sign.

(Law, Art. 13)

5. Scope of disclosure (e. g. including best mode of using invention)

The application must contain a description, one or more claims, and one or more drawings (where necessary), and an abstract (Law, Art. 14).

The invention or utility model must be described in a manner sufficiently clear and complete to enable the problem and its solution to be understood, and its advance on prior art must be specified (Ordinance No. 393, Art. 1.1.1(e), and No. 394, Art. 1.1.1(d)).

6. Search and examination by the competent administration

There is a formal preliminary examination (Law, Art. 16).

A request for examination as to substance may be filed by any interested person within 24 months from the date of publication of the application (Law, Art. 18(1)). If the examination is not requested within the prescribed period, the application is considered as withdrawn (Law, Art. 18(2)). The examination must ascertain whether the patent application fulfils the legal requirements and whether its subject is technically well-defined, is not included in prior art and is industrially applicable (Law, Art. 19(1)). Where the application claims priority, the objections, the documents relating to the search for prior art and the results of examinations, connected with the grant procedure for the corresponding application in other countries, must be submitted on request (Law, Art. 20).

7. Publication of application and of grant of title; document(s) issued

Publication of the patent application takes place after 18 months from the earliest priority date; publication may be brought forward at the request of the applicant (Law, Art. 18(1)). Any oppositions must be filed within 90 days from the date of the publication of the request for examination (Law, Art. 19).

Patents granted are published in the official bulletin of the National Institute of Industrial Property (Law, Art. 22).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

(a) *Patents for inventions:* Fifteen years from the filing date (Law, Art. 24).

(b) *Patents for utility models*: Ten years from the filing date (Law, Art. 24).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1884); Hague Act of 1925 (since 1929). Convention on Patents of Invention, Drawings and Industrial Models, Trade Marks, and Literary and Artistic Property (Rio de Janeiro, 1906); Convention on Inventions, Patents, Designs and Industrial Models (Buenos Aires, 1910).

11. Treatment of foreign nationals and priority rights

National treatment. An applicant or owner of a patent resident abroad must appoint an agent resident in Brazil (Law, Art. 116). Priority right under international conventions (Law, Art. 17).

12. Invalid clauses in license agreements

A license may not impose any restrictions as to the marketing or exportation of the product covered by it, nor as to the importation of articles or material necessary for the product's manufacture (Law, Art. 29(2)). All rights regarding improvements made by the licensee to the product or process under license must belong to the licensee (Law, Art. 29(3)).

Provisions for the payment of royalties are invalid in so far as the license relates to

- a patent granted outside Brazil;
- a patent whose owner is resident, domiciled or established abroad and for which priority cannot be claimed;
- a patent that has expired or that is in the process of annulment or revocation;
- a patent whose previous owner had no right to such royalties. (Law, Art. 30)

13. Compulsory license, revocation or expropriation where the invention is not worked

Except when force majeure is proved, a patentee who has not actually begun to work the invention in Brazil within three years from the grant of the patent or who has discontinued the working for more than one year, must grant a license at the request of any third party (Law, Art. 33).

For reasons of public interest a special non-exclusive license may be granted, upon request, to third parties for the working of a non-worked patent or when actual working does not meet the demand of the market (Law, Art. 33(1)).

Except when force majeure is proved, a patent is, ex officio or on the petition of any interested party, held forfeited:

- when its actual working has not been started in Brazil within four years (or within five years when a license of exploitation has been granted) from the date of grant of the patent;
- when its working has been discontinued for more than two consecutive years.

(Law, Art. 49)

Actual working is not considered to have taken place where the production has been replaced or supplemented by importation, subject to international agreements on the "complementation" (*complementação*) of products to which Brazil is a party (Law, Art. 33(2)).

Actual working must be proved by the patentee; it means the proven continuous and regular working of the invention on an industrial scale through production by the patentee or under license (Law, Art. 33(3) and 52).

The terms of a compulsory license are, in the absence of agreement between the patentee and the applicant for the license, fixed by a committee (Law, Art. 34).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

A patent may be expropriated in accordance with law, when it is considered to be in the interest of national security, or when the national

interest demands the dissemination of the patent or its exclusive exploitation by an agency or organ of the federal administration or by one in which the federal administration participates (Law, Art. 39).

Bulgaria

1. Official title and date of current legislation

Law on Inventions and Rationalizations of October 8, 1968 (I. P. 1971, p. 73).

Regulations on the Application of the Law on Inventions and Rationalizations, of June 5, 1969.

2. Title(s) granted by the competent administration

The Institute of Inventions and Rationalizations grants inventors' certificates or patents for inventions (Law, Art. 13).

An inventor's certificate certifies the recognition of the invention, the priority, the right of authorship, and the exclusive right of the State to use and dispose of the invention (Law, Art. 23); there are in addition material rights and benefits for the inventor (Law, Art. 64 to 71).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any new, creative, technical solution to a given problem which is more progressive and more useful in comparison with the existing level of technology and is related to any branch of national economy, science, culture, public health or national defense (Law, Art. 12).

4. Non-patentable subject matter

Neither inventors' certificates nor patents are granted for:

- proposals based on ideas, scientific discoveries, scientific principles and basic rules of science, which do not specify concrete ways and means for their utilization;
- proposals concerning the elaboration of methods and formulae for calculation, systems of methodological structures and transformations, the choice of absolute geometrical dimensions for articles and equipment, or proposals consisting of diagrams and nomograms;
- proposals relating to methods and systems of education, teaching and drilling.

(Law, Art. 12)

Only inventors' certificates are granted for:

- substances obtained by chemical processes (such processes being patentable);
- healing substances, foodstuffs, gustatory and cosmetic substances, whether or not obtained by chemical processes (such processes being patentable);
- new methods of prophylaxis, diagnosis and treatment of human, animal and plant diseases;
- new species or varieties of agricultural crops or new animal breeds;
- technical solutions of problems bearing on the use of nuclear energy;
- inventions made in connection with the inventor's employment in a socialist organization or pursuant to a commission thereof;
- inventions for whose realization the inventor has received help in funds or materials from a socialist organization;
- inventions relating to national defense or security.

(Law, Art. 14)

5. Scope of disclosure (e. g. including best mode of using invention)

The application must contain a description of the invention claimed and, where necessary, drawings and evidence of the applicability, usefulness and progressiveness of the invention (Law, Art. 15).

The specification must state precisely, clearly and fully the nature of the proposed or assumed invention and the claims (Regulations, Art. 12).

Applicants from abroad must specify the countries in which corresponding applications have already been filed and must transmit to the Institute of Inventions and Rationalizations any comments that have been received on such applications (Law, Art. 15).

6. Search and examination by the competent administration

The Institute of Inventions and Rationalizations carries out, within eight months from the filing date, an expert examination of the proposed invention and establishes the presence or absence of the characteristics of an invention (Law, Art. 22 and 27). Where applications are made for inventors' certificates, this procedure is preceded by an opinion, given by the socialist organization whose activity the invention concerns within 30 days from the filing of the application, on the usefulness and applicability of the proposed invention and on the question of how far it is progressive and new (Law, Art. 21).

7. Publication of application and of grant of title; document(s) issued

An inventor's certificate or a patent is issued to the author of an accepted invention; data on the accepted invention are normally published in the Bulletin of the Institute of Inventions and Rationalizations (Law, Art. 23, 27 and 30).

8. Rights of others derived from prior manufacture or use

Enterprises, institutions, organizations and persons that have, prior to the filing of the patent application, used the invention, independently of the inventor, or have made the necessary preparations to use it, retain their right to continue using the invention as prior users (Law, Art. 35).

9. Duration

(a) *Patents*: Fifteen years from the filing date of the application (Law, Art. 30).

(b) *Inventors' certificates*: Without limitation.

10. Relevant multilateral conventions

WIPO Convention of 1967 (since 1970); Paris Convention of 1883 (since 1921), Stockholm Act of 1967 (since 1970).

11. Treatment of foreign nationals and priority rights

National treatment under Paris Convention or if reciprocity is granted (Law, Art. 7). Priority right under Paris Convention and for applicants from countries not members of the Paris Union but owning real and effective industrial or commercial enterprises on the territory of one of the member countries of the Paris Union (Law, Art. 18).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

Where an invention is of considerable importance to the national economy and is not being worked by the patentee, the President of the State Committee for Science and Technical Progress may order a compulsory license to be issued for the working of the invention; the order must be based on the reasoned request of the interested socialist organization, and will not be issued earlier than three years after the publication of the patent or four years after the filing of the patent application, whichever period last expires; the remuneration for the compulsory license and terms of payment are settled between the patentee and the licensee and, in case of dispute, by the State Committee for Science and Technical Progress; if the patentee fails to comply with the decision of the State Committee for Science and Technical Progress, the patent is declared null and void (Law, Art. 37).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

The same sanctions and procedure as are referred to in 13 apply where the invention directly affects the public interest and no

agreement is reached with the patentee as to the assignment of the patent rights (Law, Art. 37).

Cameroon

See under *OAMPI* (June 1974 issue).

Canada

1. Official title and date of current legislation

Patent Act, R. S. C. 1952, C. 203, as amended to 1972 (I. P. 1970, p. 166, without amendments enacted between 1970 and 1972).

Rules under the Patent Act, as amended to 1972.

2. Title(s) granted by the competent administration

The Bureau of Intellectual Property grants patents (Act, Sec. 48).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any new and useful art, process, machine, manufacture, composition of matter, or improvement thereon (Act, Sec. 2(d) and 34).

Novelty

No patent will be granted if the invention is patented or described in any patent or publication in Canada or any other country more than two years before the date of the application in Canada, or has been in public use or on sale in Canada for more than two years before that date (Act, Sec. 29(2)).

Industrial application

The invention must be useful (Act, Sec. 2(d)).

4. Non-patentable subject matter

Scientific principles or abstract theorems (Act, Sec. 28(3)). Products made by chemical processes and intended to be used for the preparation of food and medicine, but processes for making such products and products dependent thereon are patentable (Act, Sec. 41(1)).

5. Scope of disclosure (e. g. including best mode of using invention)

The application must include a specification, which must end with a claim or claims stating distinctly and explicitly what the applicant regards as new and the scope of the protection claimed (Act, Sec. 35 and 36(2)).

The specification must contain a correct and full description of the invention and its operation or use, including the steps in a process, method of manufacture or use of a machine, and manufacture or composition of matter, in such a way as to enable any person skilled in the art to make, construct, compound or use it (Act, Sec. 36(1)).

The principles of a machine and the best mode of application thereof must be explained (Act, Sec. 36(1)).

If the description or claims are defective a reissue is possible within four years from the date of the first issue for the unexpired term of the original patent (Act, Sec. 50(1)).

6. Search and examination by the competent administration

Examination as to form and substance; a search covers Canadian and foreign technical literature (Rules, Rule 39).

7. Publication of application and of grant of title; document(s) issued

All documents are open to the inspection of the public at the Bureau of Intellectual Property, except applications still pending or abandoned (Act, Sec. 10). Publication of the description and claims occurs between six and sixteen weeks after the grant of the patent (Rules, Rule 80).

8. Rights of others derived from prior manufacture or use

Every person who, before the issue of a patent, has purchased, constructed or acquired the invention has the right of using and vending the specific article, machine, manufacture or composition of matter purchased, constructed or acquired before the issue of the patent (Act, Sec. 58).

9. Duration

Seventeen years from the date of grant of the patent (Act, Sec. 48).

10. Relevant multilateral conventions

WIPO Convention of 1967 (since 1970); Paris Convention of 1883 (since 1925), London Act of 1934 (since 1951), Stockholm Act of 1967 (administration: since 1970).

11. Treatment of foreign nationals and priority rights

National treatment. Priority right under international conventions or if reciprocity is granted (Act, Sec. 29(1)). Applicants who do not reside or carry on business in Canada must be represented by a person or firm residing or carrying on business in Canada (Act, Sec. 31(1)).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

The Commissioner may, after three years from the grant of the patent, grant a compulsory license to any applicant on such terms as he considers expedient, or, if necessary, revoke the patent in the following cases:

- if the patented invention is not worked in Canada on a commercial scale without satisfactory reasons;
 - if exploitation of the invention in Canada is prevented or hindered by importation under the control of the patentee.
- (Act, Sec. 67(1) and (2)(a) and (b) and 68)

In settling the terms of a license the Commissioner must endeavor to secure the widest possible use of the invention in Canada consistent with the patentee deriving a reasonable advantage from his patent rights, and also to secure to the patentee the maximum advantage consistent with the invention being worked by the licensee at a reasonable profit in Canada (Act, Sec. 68(a)(i) and (ii)).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

The same sanctions, after the same period, as are referred to in 13 apply if:

- demand for the patented article in Canada is not being met to an adequate extent and on reasonable terms;
- the refusal of the patentee to grant licenses on reasonable terms is detrimental to established or new trade in Canada and it is in the public interest that a license or licenses should be granted;
- conditions attached by the patentee to the purchase, hire, license or use of the patented article, or to the use or working of the patented process, unfairly prejudice any trade or industry in Canada;
- a patent relating to a process involving the use of materials not protected by the patent, or to a substance produced by such a process, has been utilized so as unfairly to prejudice in Canada the manufacture, use or sale of any such materials.

(Act, Sec. 67(2)(c) to (f) and 68)

In the case of inventions intended or capable of being used for the preparation or production of food, and inventions intended or capable of being used for medicine or for the preparation or production of medicine, the Commissioner may grant licenses at any time after the grant of patents for such inventions; with respect to food he may grant a license limited to the use of the invention for the preparation or production of food; with respect to medicine he may grant a license for the use of the invention for the preparation or production of medicine

and the importation or sale of medicine in the preparation or production of which the invention has been used; in settling the terms of the license the Commissioner must have regard to the desirability of making the product available to the public at the lowest possible price consistent with giving the inventor due reward for the research leading to the invention (Act, Sec. 41(3) to (5)).

The Government may, at any time, use any patented invention subject to the payment of reasonable compensation (Act, Sec. 19).

Central African Republic

See under *OAMPI* (June 1974 issue).

Chad

See under *OAMPI* (June 1974 issue).

Chile**1. Official title and date of current legislation**

Decree-Law on Industrial Property, No. 958 of 1931 (Art. 1 to 21, 40 and 41) (P. I. 1931, p. 191).

Regulations on Patent Applications of 1927 (P. I. 1929, p. 3).

2. Title(s) granted by the competent administration

The Department of Industrial Property grants patents for inventions or provisional patents (*Patentes precaucionales*) (Decree-Law, Art. 2 and 13).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

New, definite and useful products; new machines, tools and apparatus; combinations, parts or accessories thereof through which savings or improved results may be achieved; new manufacturing processes including chemical processes; improvements of known techniques provided that the latter are proved to be superior in their results to existing similar techniques (Decree-Law, Art. 4(a) to (g)).

Novelty

An invention is not patentable if it is adequately known in Chile following its publication in print or in any other form available to the public, or if it is already in the public domain because of use, sale or publicity in the country or abroad, with the exception of foreign inventions which have been published, after the grant of a patent, according to the relevant laws, on condition that they have not been commercially known in Chile and that the foreign patent is still in force (Decree-Law, Art. 5(f)). A foreign invention is not patentable if it is already in the public domain in any country, even if it is totally unknown in Chile (Decree-Law, Art. 5(g)).

Inventive step

Use for new purposes of articles, products or elements already known and used, and mere modifications or variations as to form, dimensions and material are not patentable (Decree-Law, Art. 5(e)).

Industrial application

The invention must evidence definite practicability, as well as industrial character and application (Decree-Law, Art. 2 and 5(h)).

4. Non-patentable subject matter

Beverages, food, medicaments and chemical products; financial, speculative or commercial systems, combinations and plans, as well as mere control and inspection procedures; working methods or manufacturing skills; purely theoretical or speculative inventions; the mere use of natural substances or forces (Decree-Law, Art. 5(a) to (d) and (h)).

5. Scope of disclosure (e. g. including best mode of using invention)

No detailed requirements in the legislation referred to under 1; however, instructions of the Department of Industrial Property to applicants provide that a description must accompany the application which must be sufficiently clear and complete to enable the invention to be carried out by a person skilled in the art.

6. Search and examination by the competent administration

Examination as to form and substance (Decree-Law, Art. 3 and 6). For the examination as to substance, advice of experts may be requested by the Department of Industrial Property (Decree-Law, Art. 3(3)).

7. Publication of application and of grant of title; document(s) issued

An extract of the application is published in the Official Gazette and a newspaper of Santiago (Regulations, Art. 5).

Opposition by an interested party is possible within 30 days from publication (Regulations, Art. 6).

The description of the invention is laid open for inspection by any interested person one year after grant of the patent (Decree-Law, Art. 14(3)).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

(a) *Patents for invention*: Five, ten or fifteen years from the date of grant, at the choice of the applicant as indicated in the patent application; the term of patents for inventions already patented abroad cannot exceed the life of the first foreign patent (Decree-Law, Art. 7). In special cases, patents may be granted or renewed for a total of 20 years, if the inventor is resident in Chile, and if this privilege does not prejudice Chilean industry (Decree-Law, Art. 9).

With respect to patents of improvement, the following provisions are applicable:

- if the owner of the patent of improvement is also the owner of the original patent, the patent of improvement will be granted for the remaining term of the original patent;
- if the owner of the patent of improvement is not the owner of the original patent and if the original patent is still in force, no patent of improvement will be granted unless the owner of the original patent gives his consent. If the owner of the original patent gives his consent, the patent of improvement will be granted for the remaining term of the original patent. If the owner of the original patent does not give his consent, the patent of improvement will be granted but must not be worked prior to the expiration of the original patent; the term of the patent of improvement will run from the expiry of the original patent.

(Decree-Law, Art. 10)

(b) *Provisional patents*: Granted to any inventor resident in Chile engaged in trials which involve disclosure of his idea, for a period of one year, renewable for a second year in special cases (Decree-Law, Art. 13).

10. Relevant multilateral conventions

Treaty on Patents of Invention, Industrial Drawings and Models and Trademarks (Mexico, 1902); Convention on Patents of Invention, Drawings, and Industrial Models, Trademarks, and Literary and Artistic Property (Rio de Janeiro, 1906); Cartagena Agreement of 1969 (with Bolivia, Colombia, Ecuador, Peru and Venezuela, Art. 27 of which provides for a common regime as to patents, licenses and royalties).

11. Treatment of foreign nationals and priority rights

National treatment (Decree-Law, Art. 2).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1. See 10.

13. Compulsory license, revocation or expropriation where the invention is not worked

No provision in the legislation referred to under 1.

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

No provision in the legislation referred to under 1.

Colombia

1. Official title and date of current legislation

Commercial Code, 1971 (Third Book, Title II, Art. 534 to 571) (I. P. 1972, p. 128).

Decree No. 2974 of 1968.

Decree No. 753 of 1972 (implementing some provisions of the Commercial Code).

Decree No. 755 of 1972 (on the classification of patentable inventions).

2. Title(s) granted by the competent administration

The Department of Industry and Commerce grants patents (Decree No. 2974, Art. 26(a)).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any new invention or improvement capable of industrial application (Commercial Code, Art. 534).

Novelty

The invention must not have been made available to the public, anywhere and at any time, in any way that would enable it to be implemented, before the filing or priority date, with the exception of disclosure during the six months preceding the filing of the application:

- through an act of bad faith to the detriment of the applicant, such as the illicit obtaining of plans or documents, misconduct or disloyalty on the part of the inventor's agent, colleagues or employees, industrial espionage or the like; or
- at an officially recognized local exhibition.

(Commercial Code, Art. 535)

Inventive step

The invention must result from creative activity or be of an inventive level, that is, it must not obviously follow from the prior art (Commercial Code, Art. 534 and 536).

Industrial application

The subject of the invention must be capable of being manufactured or used in any kind of industry, including agriculture (Commercial Code, Art. 537).

4. Non-patentable subject matter

Purely scientific principles and discoveries; plant varieties, animal breeds and species or essentially biological processes (microbiological processes and their products are patentable); pharmaceutical compositions and the active substances used therein, medicaments, food or drink for human, animal or vegetable consumption (processes are patentable, if applicants prove that they exploit them in the country and are able to supply the market on reasonable terms as to quantity, quality and price) (Commercial Code, Art. 534 and 538(1) and (2)).

5. Scope of disclosure (e. g. including best mode of using invention)

The application must contain a complete description of the invention with drawings if necessary; the description must disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art (Commercial Code, Art. 543(iii) and 545). The application must also contain one or more claims defining the

scope of novelty and industrial application (Commercial Code, Art. 543(iv)).

6. Search and examination by the competent administration

Examination as to form (Commercial Code, Art. 547).

After the publication of an abstract of the application, which takes place where the application complies with the formal requirements, a preliminary reasoned report is prepared taking account of observations on the prior art which might affect the novelty of the invention, supported by documentary evidence, which may be filed by anyone within 60 days from the date of publication; at the same time mention is made of any application previously filed or of any patent already granted in Colombia for a similar invention (Commercial Code, Art. 548).

The Government may, by decree and in relation to one or more specific branches of industry, order a complete survey to be carried out on the prior art affecting the patentability of inventions (Commercial Code, Art. 548).

7. Publication of application and of grant of title; document(s) issued

Before the grant, abstracts are published and the applications laid open for public inspection (Commercial Code, Art. 548).

After the grant, the claim characteristic of the invention is published; any person may obtain a copy of the patent (Commercial Code, Art. 550).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

The initial term is eight years from the grant; the patentee may ask for one extension of a further four years if the invention is being worked in the country, or has been worked there during the preceding year (Commercial Code, Art. 553).

10. Relevant multilateral conventions

Agreement on Patents and Privileges of Invention (Caracas, 1911); Cartagena Agreement of 1969 (with Bolivia, Chile, Ecuador, Peru and Venezuela, Art. 27 of which provides for a common regime as to patents, licenses and royalties).

11. Treatment of foreign nationals and priority rights

National treatment. Non-resident applicants must appoint a representative in Bogota (Commercial Code, Art. 543, par. 1). To enjoy priority under a foreign patent application, the local application must be filed within six months from the date of the foreign application (Commercial Code, Art. 544).

12. Invalid clauses in license agreements

Clauses in license contracts are void when they impose on licensees restrictions not deriving from the rights conferred by the patent (Commercial Code, Art. 557).

13. Compulsory license, revocation or expropriation where the invention is not worked

Any person may apply to the Court for a compulsory license, if, within three years from the grant of the patent, or four years from the filing of the application, whichever period expires last:

- the invention has not been worked in the country or its working has been suspended for more than one year; or
- the working does not meet the demand of the market on reasonable terms as to quantity, quality or price.

The compulsory license is non-exclusive and non-transferable and in no case entitles the licensee to import the product.

(Commercial Code, Art. 558)

See also 9.

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

After the period referred to under 13, a compulsory license may be granted when the patentee has not granted contractual licenses enabling a licensee to meet the demand of the national market on reasonable terms as to quantity, quality and price (Commercial Code, Art. 558(iii)).

All patents concerning public health and national defense are declared of social interest and public utility and are subject to expropriation (Commercial Code, Art. 565).

The Public Prosecutor may request the courts to grant a non-exclusive, non-transferable license of authority (*licencia de oficio*) in the case of patents of interest to public health, or where economic development requires, or where the products which are the subject of the patent are supplied in insufficient quantity or are of insufficient quality or are of excessive price; similarly, the owner of a patent which necessarily requires the use of another in its exploitation may apply for such a license (Commercial Code, Art. 560).

Congo

See under *OAMPI* (June 1974 issue).

Cuba

1. Official title and date of current legislation

Industrial Property Law of 1936 (Decree-Law No. 805) (Art. 1 to 92, 234 to 236, 238, 241, 244, 247, 248, 256 to 298) (P. I. 1937, p. 37, 58, 89), as amended to 1968.

Law No. 618 of 1959 (concerning compulsory licenses for the working of patents).

Law No. 914 of 1960 (amending the Industrial Property Law).

Regulations of the Industrial Property Law of 1956, as amended to 1968.

2. Title(s) granted by the competent administration

The National Office of Inventions, Technical Information and Marks grants patents of invention or patents of introduction (Decree-Law, Art. 2, as amended in 1968).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Apparatus, instruments, appliances, tools, and mechanical or chemical processes or operations which are not known in Cuba or abroad and which produce an industrial result or product; new industrial products; new varieties of asexually reproduced plants, if not tuber propagated (Decree-Law, Art. 41).

Novelty

(a) *Patents of invention*: The invention must not have been published or described so as to enable a person skilled in the art to use it (Decree-Law, Art. 43(1)). The invention must not have been used or practised anywhere (Decree-Law, Art. 43(2)). Display at exhibitions or experiments by the inventor do not destroy novelty (Decree-Law, Art. 44).

(b) *Patents of introduction*: These patents are granted on the basis of a patent already issued abroad, if the invention has not been patented or exploited in the country before local application (Decree-Law, Art. 63).

Inventive step

Simple modifications of forms, dimensions, proportions or materials of an already patented product are not patentable (Decree-Law, Art. 42(2)).

Industrial application

Except for plants, inventions must lead to an industrial result or product (Decree-Law, Art. 41).

4. Non-patentable subject matter

Mere ideas, theoretic or scientific and speculative principles, financial or accounting systems or plans, and products directly obtained from the earth or from animals or vegetables (Decree-Law, Art. 42(1), (5), (6) and (7)).

5. Scope of disclosure (e. g. including best mode of using invention)

The application must be accompanied by a clear description of the invention, with drawings if necessary, and by one or more claims (Decree-Law, Art. 81(3) and (4)).

6. Search and examination by the competent administration

Examination as to formal requirements and novelty covering national patents and patent applications (Decree-Law, Art. 50 and 53).

7. Publication of application and of grant of title; document(s) issued

The application and the grant of the patent are published in the official bulletin, including a summary of the claims and one drawing (Decree-Law, Art. 55, as amended in 1963).

Opposition may be filed within two months from the date of publication of the application (Decree-Law, Art. 51).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

(a) *Patents of invention*: Seventeen years from the grant (Decree-Law, Art. 56).

(b) *Patents of introduction*: They expire at the same date as the original foreign patent, but their duration cannot exceed a term of ten years (Decree-Law, Art. 66).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1904), Lisbon Act of 1958 (since 1963). Treaty on Patents of Invention, Industrial Drawings and Models and Trademarks (Mexico, 1902); Convention on Inventions, Patents, Designs and Industrial Models (Buenos Aires, 1910).

11. Treatment of foreign nationals and priority rights

National treatment. Priority right under international conventions (Decree-Law, Art. 45).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

The patentee must work the patented invention within a period of three years from the grant, which may be extended for three periods of one year each, if a request is filed before the expiration of the period (Decree-Law, Art. 71). In case of non-compliance, the patentee must make a public offer for licensing the invention (Decree-Law, Art. 72). If no license is granted within one year, the patent lapses (Decree-Law, Art. 73 and 79).

If the patentee discontinues the working of a patent for more than one year, the patent lapses, except where force majeure is duly proved (Decree-Law, Art. 91(2)).

No provision with regard to the working of patents applies if the patentee is a public organ of the Central Administration (Law No. 914 of 1960, Art. 8).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

Whenever a compulsory license appears to be necessary for the economic development of the country, required by the needs of its internal market or advantageous to its international trade, the Ministry of Commerce may grant a non-exclusive, non-transferable license to any

applicant who proves his ability to work the invention; if the parties do not reach an agreement on the terms of the license, the Ministry determines them, including a royalty rate proportionate to the economic importance of the invention (Law No. 618 of 1959, Art. 2, 3, 5, 10 to 13).

Whenever it is in the public interest that the invention be popularized, or exclusively used by the State, the patent may be expropriated (Decree-Law, Art. 46).

Cyprus

1. Official title and date of current legislation

Patents Law, No. 40 of 1957.

Patents Rules, 1958.

2. Title(s) granted by the competent administration

The Office of the Registrar grants certificates of registration (Law, Sec. 6).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any person being the grantee of a patent, including a patent of addition, in the United Kingdom or any person deriving his right from such grantee by assignment, transmission or other operation of law may apply within three years from the date of the sealing of the patent to have such patent registered in Cyprus (Law, Sec. 4).

Novelty

The Supreme Court has power, upon the application of any person who alleges that his interests have been prejudicially affected by the issue of a certificate of registration, to declare that the exclusive privileges and rights conferred by such certificate of registration have not been acquired on any of the grounds upon which the United Kingdom patent might be revoked under the law for the time being in force in the United Kingdom.

Such grounds are deemed to include the manufacture, use or sale of the invention in Cyprus before the priority date applicable to the patent in the United Kingdom, but not to include the manufacture, use or sale of the invention in Cyprus by some person or persons after the priority date applicable to the patent in the United Kingdom and before the date of the issue of the certificate of registration in Cyprus. (Law, Sec. 9(2) and (3))

4. Non-patentable subject matter

No provision in the patent legislation referred to under 1. See United Kingdom law (June 1974 issue) under this heading.

5. Scope of disclosure (e. g. including best mode of using invention)

The application for registration must be accompanied by two certified copies of the specification or specifications (including drawings, if any) of the United Kingdom patent and a certificate of the Comptroller General of the United Kingdom Patent Office giving full particulars of the grant of the patent (Law, Sec. 5).

6. Search and examination by the competent administration

No provision in the legislation referred to under 1.

7. Publication of application and of grant of title; document(s) issued

Notification of the registration of a patent is advertised in the Gazette, and any person may inspect the register and documents kept by the Registrar and obtain certified copies or extracts on payment of the prescribed fees (Law, Sec. 16; Rules 28 and 32).

A certificate of registration is issued by the Registrar (Law, Sec. 6).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

Privileges and rights conferred by registration date from the date of the patent in the United Kingdom and continue in force only so long as the patent remains in force in the United Kingdom (Law, Sec. 8).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1966), Lisbon Act of 1958 (since 1966).

11. Treatment of foreign nationals and priority rights

See 3.

12. Invalid clauses in license agreements

The patent law of the United Kingdom, in so far as circumstances admit, applies to Cyprus (Law, Sec. 9(1)).

13. Compulsory license, revocation or expropriation where the invention is not worked

The patent law of the United Kingdom, in so far as circumstances admit, applies to Cyprus (Law, Sec. 9(1)).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

The patent law of the United Kingdom, in so far as circumstances admit, applies to Cyprus (Law, Sec. 9(1)).

Czechoslovakia

I. Official title and date of current legislation

Law on Discoveries, Inventions, Rationalization Proposals and Industrial Designs (No. 84 of November 1, 1972) (I. P. 1973, p. 331).

2. Title(s) granted by the competent administration

The Office for Inventions and Discoveries grants patents or inventors' certificates for inventions (Art. 4 and 27(1)).

The inventor's certificate constitutes recognition that the subject of an application concerning an invention is an invention and attests the authorship of the invention, the right of priority and the mutual rights of the State and the inventor (Art. 46(1)). It also confers on the author a right to remuneration and to participate in the execution, trials and implementation of the invention, and to receive other benefits prescribed by the law (Art. 46(2)).

The patent constitutes recognition that the subject of the application is an invention and attests the authorship of the invention and the right of priority thereto (Art. 53(2)).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any new solution of a technical problem provided that the solution is new and constitutes progress in comparison with the world prior art, in the form of a new or improved result (Art. 24(1)).

Novelty

An invention is new when, before the priority date, it was known neither in Czechoslovakia nor abroad by means generally accessible to the public, especially when it has not been described or illustrated in print and when it has not been publicly used, exhibited, orally described or presented in such an obvious manner that experts are able to benefit from it (Art. 25). Disclosure in an exhibition in Czechoslovakia is not deemed to be an anticipation if the application is filed within three months from the closing date of the exhibition (Art. 32).

Industrial application

An invention must be capable of industrial application or of some use in manufacture or industrial exploitation (Art. 24(2)).

Progress

An invention must evidence technical progress in the form of results quantitatively higher or qualitatively different from those obtained by technical means which are part of the world prior art (Art. 24(1) and 26(2) and (3)).

4. Non-patentable subject matter

Only inventors' certificates are granted for inventions relating to nuclear energy, medicaments, substances obtained through chemical processes, foodstuffs and microorganisms used in industrial manufacture (Art. 28).

5. Scope of disclosure (e. g. including best mode of using invention)

The application must be filed together with a description of the invention and drawings (Art. 35(1)). The Office for Inventions and Discoveries may request the applicant to state the countries in which he has filed an application concerning the same invention and the objections which were raised in these countries, as well as to prove that the invention is feasible and has the foreseen result (Art. 33 and 34).

6. Search and examination by the competent administration

Examination as to all requirements of the law (Art. 29).

Any organization whose field of activity covers the subject of the application must express an opinion as to the novelty, feasibility, effect and economic viability of the invention if requested to do so by the Office for Inventions and Discoveries (Art. 36).

7. Publication of application and of grant of title; document(s) issued

The application with the description and drawings is published in the Official Journal (Art. 35(1)). The grant of an inventor's certificate or patent is advertised in the Official Journal (Art. 37(1)).

Anyone may object to the grant of a patent or inventor's certificate within three months from the publication of the application (Art. 35(2)).

8. Rights of others derived from prior manufacture or use

An inventor's certificate or patent has no effect against a person who, before the application, has used the invention or has made preparations with a view to using it (Art. 41(1)).

9. Duration

(a) *Patents*: Fifteen years from the date of the application (Art. 53(5)).

(b) *Inventors' certificates*: Without limitation (Art. 46(3)).

10. Relevant multilateral conventions

WIPO Convention of 1967 (since 1970); Paris Convention of 1883 (since 1919), Stockholm Act of 1967 (since 1970).

11. Treatment of foreign nationals and priority rights

National treatment under Paris Convention or if reciprocity is granted (Art. 8). Priority right under international conventions (Art. 31(2)).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

If, after four years from the filing date of a patent application or three years from the date of the grant, whichever period expires last, the patentee is not working the invention or is working it inadequately, the Patent Office may grant a compulsory license to an organization (Art. 55(1)).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

The Office for Inventions and Discoveries may grant a compulsory license to an organization, even before the end of the period referred

to under 13, if the invention is of particular interest to the State, for example if it relates to national defense, and no agreement for the grant of a license has been reached between the patentee and the organization (Art. 55(2)).

Dahomey

See under *OAMPI* (June 1974 issue).

Denmark

See under *Nordic Countries* (June 1974 issue).

Dominican Republic

1. Official title and date of current legislation

Patent Law, No. 4994 of 1911 (P. I. 1911, p. 186), as amended to 1966.

2. Title(s) granted by the competent administration

The Secretariat of State for Industry and Commerce grants patents for inventions (Art. 1).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any new discovery or invention related to any branch of industry, and any new method, machine or apparatus suitable for the manufacture of industrial products (Art. 1 and 2(a) and (b)).

Novelty

The discovery or invention must not have been sufficiently described in a printed publication in the country or abroad, before the date of the application (Art. 19).

Progress

The discovery of a new industrial product and the application of perfected methods must achieve results better than those already known (Art. 2(c)).

4. Non-patentable subject matter

Credit or financial plans or combinations (Art. 3). Pharmaceutical compositions, chemical products and medicaments, unless approved by the Medical Board of the Dominican Republic (Art. 2(d)).

5. Scope of disclosure (e. g. including best mode of using invention)

A description of the discovery or invention is required, together with drawings or samples necessary to enable the description to be understood (Art. 5).

6. Search and examination by the competent administration

Examination as to form (Art. 8).

7. Publication of application and of grant of title; document(s) issued

The Secretariat of State for Industry and Commerce issues the patent certificate, which, after being filed with the Secretariat of State for Industry and Commerce, constitutes the patent; a copy of the patent is delivered free of charge to the applicant (Art. 8).

Patents are issued at the risk of the applicant and without any guarantee as to the novelty or merits of the invention or as to the accuracy of the description (Art. 9).

Granted patents, modifications, assignments and court decisions of nullity are published monthly by the Secretariat of State for Industry and Commerce (Art. 10, 15 and 23).

Descriptions, samples and drawings relating to issued patents are deposited at the Secretariat of State for Industry and Commerce and are open to public inspection, upon request (Art. 16).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

Five, ten or fifteen years at the choice of the applicant (Art. 4, as amended by Law No. 5613 of August 25, 1961). Patents granted for periods of five and ten years can be extended, upon request, up to fifteen years (Art. 11).

The duration of a patent relating to an invention already patented abroad cannot exceed the life of the foreign patent (Art. 17).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1890), Hague Act of 1925 (since 1951). Treaty on Patents of Invention, Industrial Drawings and Models and Trademarks (Mexico, 1902); Convention on Inventions, Patents, Designs and Industrial Models (Buenos Aires, 1910).

11. Treatment of foreign nationals and priority rights

National treatment (Art. 17). Priority right under Paris Convention.

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

The patentee loses his rights:

— if the patented invention is not worked in the country within five years from the date of the grant or if its working has been discontinued for three consecutive years, unless the patentee can justify his inaction;

— if the patentee imports into the country products manufactured abroad, similar to those protected by his patent, except where the Secretariat of State for Industry and Commerce has granted an authorization to import models or machines.

(Art. 20(1) and (2))

See, however, the provisions of the Paris Convention.

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

No provision in the legislation referred to under 1.

Egypt

1. Official title and date of current legislation

Patents and Designs Law, No. 132 of 1949 (Art. 1 to 36, 48 to 60) (P. I. 1950, p. 119) as amended to 1955 (P. I. 1956, p. 171).

Regulations under the Patents and Designs Law, No. 230 of 1951 (Art. 1 to 53) (P. I. 1951, p. 187, 208), as amended in 1953 (P. I. 1953, p. 187).

2. Title(s) granted by the competent administration

The Patent Office grants patents for inventions (Law, Art. 1).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any new discovery or invention which can be worked industrially, relating either to new industrial products or to new methods or processes of manufacture, or new applications of known methods or processes of manufacture (Law, Art. 1).

Novelty

An invention is not new if:

— during the 50 years preceding the application date, it has been publicly used in Egypt or if its description or design has featured in publications in Egypt and has been given sufficient publicity to enable experienced persons to work the invention, unless disclosure

occurs as the result of an exhibition and the inventor has made an application for temporary protection;

- during the 50 years preceding the application date, a third party has been granted a patent, or has filed an application, for the invention or part thereof.

(Law, Art. 3 and 52; Regulations, Art. 42 to 44)

Industrial application

The invention must be capable of industrial application (Law, Art. 1).

4. Non-patentable subject matter

Inventions relating to substances prepared or produced by chemical processes and intended for food or medicine (but special chemical processes to make such products are patentable) (Law, Art. 2(b)).

5. Scope of disclosure (e. g. including best mode of using invention)

The application must be accompanied by a detailed description of the invention and of the means of carrying it out, with drawings if necessary, which are sufficiently clear to enable the working of the invention; the description must contain a distinct statement of the inventor's claims (Law, Art. 16 and 18).

6. Search and examination by the competent administration

Examination as to form (Law, Art. 18).

7. Publication of application and of grant of title; document(s) issued

If the application is approved, details of the application are published in the Official Journal and the file is laid open for public inspection in the Patent Office (Law, Art. 20; Regulations, Art. 20).

Opposition by any interested person can be made within two months from the publication of the details of the application (Regulations, Art. 21).

The decision granting the patent is published in the Official Journal (Regulations, Art. 31).

Any interested person may consult the Register of Patents and obtain extracts or copies (Regulations, Art. 46).

8. Rights of others derived from prior manufacture or use

The patent has no effect against a person who has worked the invention in good faith before the application or has made the necessary preparations for working; such a person can work the invention for the purpose of his business but cannot transfer his rights without the business itself (Law, Art. 11).

9. Duration

Fifteen years from the date of the application; an extension of five years is possible if the patentee proves that the invention is of particular importance and that he has not secured an adequate return for his efforts and expense (Law, Art. 12(1) and (2)).

Ten years for patents for special chemical processes, without extension (Law, Art. 12(4), and see 4).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1951), London Act of 1934 (since 1951).

11. Treatment of foreign nationals and priority rights

National treatment under Paris Convention or if reciprocity is granted (Law, Art. 5).

Priority right under international conventions (Law, Art. 58).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

The Patent Office may grant a compulsory license to any person who can prove that he is capable of seriously working the invention and to

whom the patentee has refused to grant a license or a license on reasonable terms, subject to the payment of reasonable compensation, if:

- the invention is not worked in Egypt within three years from the grant; or

- the patentee is unable to work the invention on a reasonable commercial scale to meet the needs of the country; or
- the patentee has stopped working the invention for at least two consecutive years.

(Law, Art. 30)

If, after two years from the grant of a compulsory license, the invention is not worked, any interested person may apply to the Patent Office for revocation of the patent (Law, Art. 36).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

The Patent Office may grant a compulsory license to the inventor of an invention the working of which entails the use of a previous patented invention, or vice versa, if this is necessary to ensure the working of an invention which is important for national industry (Law, Art. 32).

The Minister of Commerce and Industry may order the expropriation of all rights in an invention or an application for a patent in the national interest, subject to the payment of compensation (Law, Art. 33).

Finland

See under *Nordic Countries* (June 1974 issue).

France

1. Official title and date of current legislation

Law to Promote Inventive Activity and Revise the Patent System (No. 68-1 of January 2, 1968) (I. P. 1968, p. 67).

Law Amending Law No. 68-1 of January 2, 1968 and Relating to the Protection of New Plant Varieties (No. 70-489 of June 11, 1970) (Art. 34 and 35) (I. P. 1971, p. 39).

Decree concerning Applications for, and the Issuance and Maintenance in Force of, Patents and Certificates of Utility (No. 68-1100 of December 5, 1968) (I. P. 1969, p. 115).

Decree Issued in Implementation of Law No. 68-1 of January 2, 1968 to Promote Inventive Activity and Revise the Patent System, and Concerning Compulsory Licenses, Licenses of Authority, Expropriation of Inventions, and Various Procedural Provisions (No. 69-975 of October 18, 1969) (I. P. 1970, p. 122).

Decree modifying Decree No. 68-1100 of December 5, 1968 (No. 73-13 of January 2, 1973).

2. Title(s) granted by the competent administration

The National Institute of Industrial Property grants for inventions patents and certificates of utility (Law, No. 68-1, Art. 1 and 3).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

An invention may relate in particular to a product, a process or an application or combination of means; the invention must be of an industrial character, must be new and must involve an inventive step (Law No. 68-1, Art. 6).

Novelty

An invention is considered to be new if it does not form part of the prior art; the prior art comprises everything made available to the public by means of a written or oral description, by use, or in any other way, before the filing date of the patent application or of a foreign

application the priority of which is validly claimed (Law No. 68-1, Art. 8). No invention can be validly claimed in a patent application in so far as it has been claimed in any claims contained in a French patent of earlier priority date which had not yet been published on the filing date of the application (Law No. 68-1, Art. 12). The disclosure of an invention within the six months preceding the filing of the application for a patent is not deemed to prejudice the novelty of the invention, if such disclosure is due to an evident abuse, or display at an official or officially recognized international exhibition (Law No. 68-1, Art. 8).

Inventive step

An invention must not be obvious having regard to the prior art (Law No. 68-1, Art. 9).

Industrial application

An invention must be of an industrial character in the sense that, by reason of its subject matter, its field of application and the result it produces, whether carried out by the hand of man or through the use of machinery, it contributes to the making of goods or to the attainment of technical results (Law No. 68-1, Art. 6 and 7).

4. Non-patentable subject matter

(a) *Patents*: Principles, discoveries and theoretical or purely scientific concepts; creations of an exclusively ornamental nature; financial or accounting methods, rules of games and all other systems of an abstract nature, in particular programs or sets of instructions covering the operations of a computer (Law No. 68-1, Art. 7(1), (2) and (3)). New plant varieties of a genus or species protected under Law No. 70-489 of June 11, 1970, on the Protection of New Plant Varieties (Law No. 68-1, Art. 7(4) and Law No. 70-489, Art. 34(1)).

A patent cannot be validly granted in respect of an invention relating to a medicament unless its subject matter is a product, a substance or a compound disclosed for the first time as being a medicament within the meaning of Article L.511 of the Public Health Code (Law No. 68-1, Art. 10).

(b) *Certificates of utility*: The provisions relating to patents also apply but inventions relating to medicaments are excluded (Law No. 68-1, Art. 3).

5. Scope of disclosure (e. g. including best mode of using invention)

The patent application must include a description of the invention and claims which define the scope of protection sought (Law No. 68-1, Art. 13 and 28). The description and, where applicable, the drawings are used to interpret the terms of the claims (Law No. 68-1, Art. 28). Nullity of the patent is declared if the description does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art (Law No. 68-1, Art. 49).

6. Search and examination by the competent administration

(a) *Patents*: Examination as to form (Law No. 68-1, Art. 16). There is a documentary report (*avis documentaire*) on the invention, drawn up on the basis of the claims, citing those items of the prior art which may have a bearing on the patentability of the invention; an applicant, except where the application relates to a medicament, may request that the drawing up of the documentary report be deferred for two years; as from the date of publication of the patent application, any third party may request that the documentary report be drawn up; if at the end of the two-year period the applicant has not requested the report, the application is converted *ex officio* into an application for a certificate of utility (Law No. 68-1, Art. 19).

The patent includes the final documentary report (Law No. 68-1, Art. 21).

(b) *Certificates of utility*: Examination as to form only (Law No. 68-1, Art. 3 and 19).

7. Publication of application and of grant of title; document(s) issued

The files of an application are made available to the public 18 months from the filing date or from the priority date if a priority right is

claimed; they may be made available to the public before that time on the request of the applicant (Law No. 68-1, Art. 17; Decree No. 68-1100, Art. 26).

Where a documentary report has been made, a draft report which will be attached to the patent when granted is available for public inspection; the patent application and the draft documentary report may be the subject of observations by third parties (Law 68-1, Art. 18 and 20; Decree No. 68-1100, Art. 39 to 41).

The full texts of patents are published (Decree No. 68-1100, Art. 50).

8. Rights of others derived from prior manufacture or use

Any person who, in good faith, at the filing date or priority date of a patent, is in possession of the invention covered by the patent, has a personal right to work that invention despite the existence of the patent (Law No. 68-1, Art. 31).

9. Duration

(a) *Patents*: Twenty years from the filing date of the application (Law No. 68-1, Art. 3 and 23).

(b) *Certificates of utility*: Six years from the filing date of the application (Law No. 68-1, Art. 3 and 23).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1884), Lisbon Act of 1958 (since 1962). European Convention Relating to the Formalities Required for Patent Applications of 1953; European Convention on the International Classification of Patents for Invention of 1954; Hague Agreement Establishing the International Patent Institute of 1947, Act of The Hague of 1961.

11. Treatment of foreign nationals and priority rights

National treatment if reciprocity is granted (Law No. 68-1, Art. 5). Natural persons or legal entities not having their domicile or seat or an industrial or commercial establishment in France have to appoint a representative in France (Decree No. 68-1100, Art. 2). Priority right under Paris Convention.

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

After three years from the grant of a patent or four years from the filing date of the application, any natural person or any legal entity, whether public or private, may apply to the Court (*Tribunal de grande instance*) for a compulsory license under the patent, provided that, at the time of the application for such license and failing legitimate reasons, real and effective working of the patent has not begun or has been discontinued for more than three years (Law No. 68-1, Art. 32; see also Decree No. 69-975, Art. 1 to 6).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

The Court may, in the public interest, grant a non-exclusive license to the owner of a patent of improvement, upon application of the owner, in so far as such license is necessary for the working of the invention covered by the patent of improvement and to the extent that that invention constitutes a substantial technical advance in relation to the earlier patent; the owner of the earlier patent, upon request to the Court, is granted a license under the patent of improvement (Law No. 68-1, Art. 36).

Where the interest of public health so requires, the system governing the grant of licenses of authority (*licences d'office*) may be made applicable, by virtue of an order made by the Minister responsible for Industrial Property, upon the request of the Minister responsible for Public Health, to patents granted in respect of a medicament or a process for the production of a medicament, whenever the medicament is made

available to the public in insufficient quantities or is deficient in quality or is sold at an exorbitant price (Law No. 68-1, Art. 37; Decree No. 69-975, Art. 7 to 22). As from the date of the publication of the order, any qualified person may apply to the Minister responsible for Industrial Property for the grant of a license to work the patent; the license is granted by order of the Minister under fixed terms, particularly in respect of its duration and its field of application, but excluding the amount of the royalties to be paid in consideration for it; in the absence of agreement between the parties approved by the said Ministers, the amount of the royalties is fixed by the Court (Law No. 68-1, Art. 38).

Owners of patents, other than those whose subject matter is a medication, may be given formal notice by the Minister responsible for Industrial Property to begin the working of such patents so as to satisfy the requirements of the national economy; if within a period of one year, no action has been taken to comply with such notice and if the failure to work the patented invention or the insufficiency in quality or quantity of the working is highly prejudicial to economic development and to public interest, the system governing the grant of licenses of authority (*licences d'office*) may be made applicable, by a decree issued upon the advice of the Conseil d'Etat, to patents in respect of which such formal notice has been given (Law No. 68-1, Art. 39; Decree No. 69-975, Art. 23 to 30).

Licenses of authority (*licences d'office*) may be granted, at any time, to the State (Law No. 68-1, Art. 40) and expropriation may be ordered in favor of the State (Law No. 68-1, Art. 45; Decree No. 69-975, Art. 31 to 39) as regards inventions relating to national defense.

The conditions for the application of the system governing the grant of licenses of authority (*licences d'office*) vary in the above-mentioned cases (Decree No. 69-975, Art. 7 to 39).

Gabon

See under *OAMPI* (June 1974 issue).

German Democratic Republic

1. Official title and date of current legislation

Patent Law of September 6, 1950 (P. I. 1950, p. 202).

Law relating to the Amendment of the Patent Law and to the Repeal of the Utility Model Law, of July 31, 1963.

First Provision in execution of the Patent Law for the German Democratic Republic, of March 20, 1952 (P. I. 1952, p. 81), as revised in the Patent Law Amendment, of July 31, 1963.

Order on the Requirements of Applications for a Patent, of September 2, 1968.

Order on Secret Patents, of September 9, 1968.

2. Title(s) granted by the competent administration

The Patent Office issues economic patents and exclusive patents (Patent Law, Art. 1(1) and 30).

Economic patent (*Wirtschaftspatent*): Use of the invention by the patentee and by anybody authorized to this effect by the Patent Office (Patent Law, Art. 2(1)).

Exclusive patent (*Ausschlusspatent*): Use of the invention only by the patentee (Patent Law, Art. 3(1)).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Patents are granted for new inventions which are capable of industrial use (Patent Law, Art. 1(1)).

Novelty

An invention is not considered to be new if, at the time of the application for a patent, it has already been described in printed publications made available to the public during the preceding hundred years or

has otherwise been made public by the Patent Office or has already been publicly used within the country in such a manner that use thereafter by other persons skilled in the art is possible; any description or use within six months prior to the application is not taken into account if it is based upon the invention of the applicant or his predecessor in title (Patent Law, Art. 4).

4. Non-patentable subject matter

Inventions relating to foodstuffs, alcoholic beverages and tobacco, medicaments and substances produced by chemical processes are patentable only if they concern a specific manufacturing process (Patent Law, Art. 1(3)).

5. Scope of disclosure (e. g. including best mode of using invention)

The invention must be so described that its use by others skilled in the art appears possible; the description must present the prior art as far as it is known to the inventor, the applicant and the agent; the necessary drawings, models and samples must be appended (Patent Law, Art. 23(3)).

6. Search and examination by the competent administration

Before the grant of the patent, examination as to whether:

- the subject matter of the invention is not unpatentable (see 4); and
- the conditions relating to the contents of patent applications and the reference to the inventor are complied with.

Examination as to substance after grant of the patent at the request of any interested person or enterprise, if the patented invention is worked. The Patent Office may at any time carry out an examination ex officio.

(Patent Law Amendment; Art. 5 and 6)

7. Publication of application and of grant of title; document(s) issued

Patents granted are published; the Patent Office issues a patent certificate to the patentee (Patent Law, Art. 29 and 30; Patent Law Amendment, Art. 5(1)).

8. Rights of others derived from prior manufacture or use

Any person who, at the time of the application, had already used the invention in the country or had made the necessary arrangements for doing so may, despite the patent, use the invention for the needs of his own business; if the prior use had taken place in a State enterprise, all State enterprises are entitled to use the invention (Patent Law, Art. 7).

9. Duration

Eighteen years, beginning on the day following the filing date of the application (Patent Law, Art. 9).

10. Relevant multilateral conventions

WIPO Convention of 1967 (since 1970); Paris Convention of 1883 (since 1903), Stockholm Act of 1967 (since 1970).

11. Treatment of foreign nationals and priority rights

National treatment under international conventions or if reciprocity is granted. Inventors who are not domiciled or established in the country must appoint in the country an agent authorized by the Patent Office (Patent Law, Art. 43(2)). Priority right under international conventions (Patent Law, Art. 24).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

Unless otherwise provided for by international treaties, a patent may be revoked by the Patent Department of the Patent Office, at the request of the Economic Department of the Patent Office, if it is in industrial use exclusively or mainly abroad (Patent Law, Art. 12(2)).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

If a national, economic, social or cultural need exists for the use of an invention protected by an exclusive patent and the patentee does not conclude an agreement on the use of the invention or does not agree on the conversion of the exclusive patent into an economic patent, the Government may, at the request of the Economic Department of the Patent Office, limit or revoke the patent subject to the payment of a reasonable compensation (Patent Law, Art. 12(1)).

Germany, Federal Republic of

1. Official title and date of current legislation

Patent Law (text of January 2, 1968) (I. P. 1968, p. 134), as amended to 1972.

Utility Model Law (text of January 2, 1968) (I. P. 1969, p. 19).

Regulations Concerning Patent Applications (text of July 30, 1968) (I. P. 1969, p. 207).

Regulations Concerning Utility Model Applications (text of July 30, 1968) (I. P. 1969, p. 210).

Order Concerning the German Patent Office (text of September 5, 1968) (I. P. 1969, p. 214).

2. Title(s) granted by the competent administration

The Patent Office grants patents (for all kinds of inventions) and utility model registrations (for working tools, implements and articles of everyday use only) (Patent Law, Art. 1; Utility Model Law, Art. 1).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

(a) Patents

Patents are granted for new inventions which permit of industrial application (Patent Law, Art. 1(1)).

Novelty: An invention is not considered to be new if, at the time of the application for a patent, it has already been described in printed publications made available to the public during the preceding hundred years, or has already been publicly used within the country in such a manner that use thereafter by other persons skilled in the art seems possible; any description or use within six months prior to the application is not taken into account if it is based upon the invention of the applicant or his predecessor in title (Patent Law, Art. 2).

(b) Utility models

Utility model registrations are granted for working tools and implements or articles of everyday use (*Arbeitsgerätschaften oder Gebrauchsgegenstände*) or parts thereof, in so far as they are intended to serve the working purpose or the purpose of use by means of a new configuration, arrangement or device (Utility Model Law, Art. 1(1)).

Novelty: A utility model is not considered to be new if, at the time of the application, it has already been described in printed publications made available to the public or has already been publicly used in the country; any description or use within six months prior to the application is not taken into account if it is based upon the work of the applicant or his predecessor in title (Utility Model Law, Art. 1(2)).

4. Non-patentable subject matter

(a) *Patents:* no restrictions as regards technical fields.

(b) *Utility models:* see 3.

5. Scope of disclosure (e. g. including best mode of using invention)

The invention must be so described that its use by others skilled in the art appears possible; the necessary drawings and pictorial illustrations must be attached to the description; models and samples are supplied to the Patent Office only upon request (Patent Law, Art. 26(1); Patent Regulations, Art. 1 to 5; Utility Model Regulations, Art. 1 to 5).

On the request of the Patent Office, the applicant for a patent must indicate the prior art fully and truthfully to the best of his knowledge, and incorporate it in the description; if the applicant has also filed an application for his invention in another country, he must submit its serial number and the printed publications used as a reference in the procedure before the Patent Office of the other country (Patent Law, Art. 26(4)).

6. Search and examination by the competent administration

(a) *Patents:* The patent application is first subjected to an examination as to obvious defects, i. e. whether the application obviously fails to comply with the formal requirements or whether the subject of the invention obviously:

- does not essentially constitute an invention;
- does not lend itself to industrial application.

(Patent Law, Art. 28)

Upon request by the applicant or any third party, the Patent Office must search for publications which are to be considered in connection with the determination of patentability of the invention and communicate the publications ascertained to the applicant and, if the request has been filed by a third party, to the third party (Patent Law, Art. 28(a)).

A request for examination may be filed by the applicant or any third party, independently of any request for search, at any time within seven years of the filing of the application, regardless of whether or not it is preceded by a request for search; the Patent Office examines whether the application complies with the prescribed formal requirements and whether the subject matter of the application is patentable (Patent Law, Art. 28(b)).

(b) *Utility models:* These are registered after formal examination (Utility Model Law, Art. 3).

7. Publication of application and of grant of title; document(s) issued

(a) *Patents:* Patent applications and related files are laid open for public inspection 18 months after the filing of the application or the priority date (Patent Law, Art. 24(3)).

If the Patent Office considers the invention to be patentable, the application is formally published (Patent Law, Art. 30). Within three months following the publication, any person may oppose the grant of a patent (Patent Law, Art. 32).

When the patent has been granted, the Patent Office publishes a notice to that effect in the Patent Gazette and issues a patent certificate to the patentee (Patent Law, Art. 35).

(b) *Utility models:* Utility model registrations are published (Utility Model Law, Art. 3); a certificate of entry in the register is issued to the owner of the utility model (Order Concerning the German Patent Office, Art. 8).

8. Rights of others derived from prior manufacture or use

Any person who, at the time of the application, had already used the invention in the country or had made the necessary arrangements for doing so, may, despite the patent or utility model, use the invention for the needs of his own business (Patent Law, Art. 7; Utility Model Law, Art. 5(4)).

9. Duration

(a) *Patents:* Eighteen years, beginning on the day following the filing of the application (Patent Law, Art. 10).

(b) *Utility models:* Three years, beginning on the day following the filing of the application; renewal for a further three years is possible (Utility Model Law, Art. 14).

10. Relevant multilateral conventions

WIPO Convention of 1967 (since 1970); Paris Convention of 1883 (since 1903), Stockholm Act of 1967 (since 1970). European Convention Relating to the Formalities Required for Patent Applications of 1953; European Convention on the International Classification of Patents of Invention of 1954.

11. Treatment of foreign nationals and priority rights

National treatment. Any person who is not domiciled or established in the country must appoint an agent in the country (Patent Law, Art. 16; Utility Model Law, Art. 20). Priority right under international conventions (Patent Law, Art. 27).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

No provision in the legislation referred to under 1.

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

If the applicant or owner of a patent or a utility model refuses to permit the use of the invention by another person offering to pay reasonable compensation and to furnish security therefor, that person is granted a compulsory license if this is indispensable in the public interest.

Subject to provisions to the contrary of international agreements, the patent or utility model is revoked two years after the grant of a compulsory license if the invention is exclusively or mainly worked outside the country and if the public interest can no longer be satisfied by the grant of compulsory licenses; the latter condition and the two-year time limit do not apply in the case of nationals of a foreign country which does not grant reciprocity in this respect.

(Patent Law, Art. 15; Utility Model Law, Art. 11(a)).

Ghana

1. Official title and date of current legislation

Patents Registration Ordinance, (Cap. 179) 1925-1972.
Patents Registration (Amendment) Decree, 1972 (I. P. 1973, p. 144).

2. Title(s) granted by the competent administration

The Registrar-General's Department grants certificates of registration (Ordinance, Sec. 6).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

A certificate of registration may be granted for any invention already patented in the United Kingdom (Ordinance, Sec. 4).

The United Kingdom patent must be registered within three years from the grant in the United Kingdom (Ordinance, Sec. 4). A certificate of registration may be declared void by the Court on any of the grounds upon which the United Kingdom patent may be revoked under the law for the time being in force in the United Kingdom; such grounds are deemed to include the manufacture, use or sale of the invention in Ghana prior to the date of the United Kingdom patent but not such manufacture, use or sale after the date of the United Kingdom patent and before the date of the certificate of registration (Ordinance, Sec. 8).

4. Non-patentable subject matter

Drugs, medicines or pharmaceutical preparations, substances or materials (Decree, Sec. 1(1)). Whenever the Registrar-General is of the opinion that the registration of a patent would be contrary to the public interest, he may, after consultation with the Attorney-General, refuse any application (Decree, Sec. 2).

5. Scope of disclosure (e. g. including best mode of using invention)

Every application for a certificate of registration must be accompanied by a certified copy of the specification, including drawings if any, of the United Kingdom patent (Ordinance, Sec. 5).

6. Search and examination by the competent administration

No provision in the legislation referred to under 1. Any doubt as to whether anything is a drug, medicine, or pharmaceutical preparation, substance or material for the purpose of refusing registration (see 4) is determined by the Registrar-General in such manner as he thinks fit (Decree, Sec. 1(3)).

7. Publication of application and of grant of title; document(s) issued

The Register is open to the inspection of the public, and certified copies of any entry are supplied to any interested person on payment of the prescribed fees (Ordinance, Sec. 3(4)).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

Privileges and rights under a certificate of registration date from the date of the patent in the United Kingdom and are in force only so long as the patent remains in force in the United Kingdom, provided that no action for infringement can be brought in respect of any manufacture, use or sale of the invention prior to the date of issue of the certificate of registration in Ghana (Ordinance, Sec. 7(2)).

10. Relevant multilateral conventions

None.

11. Treatment of foreign nationals and priority rights

National treatment. See 3.

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

No provision in the legislation referred to under 1.

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

No provision in the legislation referred to under 1.

Greece

1. Official title and date of current legislation

Law No. 2527 on Patents of Invention of 1920 (P. I. 1921, p. 4).
Executive Decree for the execution of Law No. 2527 (P. I. 1921, p. 23).
Law No. 3092 of July 14, 1924 (P. I. 1924, p. 174).
Decree-Law of June 8, 1926 amending the provisions relating to patents and unfair competition (P. I. 1926, p. 213).
Decree-Law of November 12, 1927 amending the decree-law of June 8, 1926 (P. I. 1927, p. 212).
Law No. 3462 of March 19, 1928 confirming the decree-law of November 12, 1927 (P. I. 1929, p. 76).
Law No. 3980 of February 23, 1929 amending the Ordinance of November 12, 1927 concerning the repeal of the Ordinance of June 15, 1926, which amended Law No. 146 on Unfair Competition, and containing Provisions relating to Patents and Trademarks (P. I. 1929, p. 146).
Law No. 5607 of August 27, 1932 codifying and complementing the legislation relating to pharmaceutical products (P. I. 1952, p. 4).
Law No. 1458 of July 18, 1950 amending and complementing the law relating to patents (P. I. 1950, p. 184).

2. Title(s) granted by the competent administration

The Department of Industrial Property grants patents for inventions (Law No. 2527, Art. 1 and 27).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

New inventions capable of industrial application (Law No. 2527, Art. 1).

Novelty

Inventions must not be sufficiently known in Greece or described in publications or drawings available in the country, in such a way as to be carried out by any person skilled in the art, before the date of the application (Law No. 2527, Art. 2).

Industrial application

Inventions must be capable of industrial application (Law No. 2527, Art. 1).

4. Non-patentable subject matter

Pharmaceutical preparations (Decree-Law of June 8, 1926, Art. 1; Decree-Law of November 12, 1927, Art. 1 and 2; Law No. 5607, Art. 45).

5. Scope of disclosure (e. g. including best mode of using invention)

A concise statement of the invention and what is claimed is required and also an exact and detailed description of the invention so as to enable its performance by any person skilled in the art; drawings, samples and models necessary for the understanding of the description may also be required (Law No. 2527, Art. 21(a) to (c)).

6. Search and examination by the competent administration

Examination as to form; there is no guarantee as to the reality, novelty or validity of the invention or the accuracy of the description (Law No. 2527, Art. 27).

7. Publication of application and of grant of title; document(s) issued

The Ministry of National Economy must publish, without delay, the titles of issued patents; descriptions, drawings and other relevant material may be printed and copies sold (Law No. 2527, Art. 29 and 32).

Patent applicants may request that their inventions be kept secret for a period of one year from the date of application (Law No. 2527, Art. 30).

8. Rights of others derived from prior manufacture or use

Patent rights are not enforceable against any person who, in good faith, was actually working the invention in Greece, or preparing to work it, at the date of the patent application; such a person may continue to work the invention in his own business; this right can only be transferred together with the business (Law No. 2527, Art. 6).

9. Duration

Fifteen years from the day following the date of the patent application (Law No. 2527, Art. 7).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1924), London Act of 1934 (since 1953).

11. Treatment of foreign nationals and priority rights

Priority right under international conventions (Law No. 2527, Art. 19; Law No. 3092, Art. 2).

12. Invalid clauses in license agreements

A license granted by the patentee may not be transferred by the licensee, unless the transfer takes place together with the licensee's business for which the license was granted (Law No. 2527, Art. 15).

13. Compulsory license, revocation or expropriation where the invention is not worked

Forfeiture of the patent is declared if, within three years from the date of the grant, the patentee has failed to work the patented invention sufficiently within Greece without valid reasons; however, such

provision can be declared inapplicable by decree with regard to States which grant reciprocity of treatment (Law No. 2527, Art. 9(c)).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

When patent applications cover inventions which could be used by the army or navy, the relevant descriptions are sent to the competent Ministries, which must declare within two months whether they intend to use the inventions, subject to the payment of compensation to the applicants; this does not apply to foreign applications (Law No. 2527, Art. 26).

If, by decree, a patented invention is declared to be of public utility, the patentee is obliged to grant licenses to work it, subject to the payment of compensation; in case of refusal, licenses are granted by the Ministry of National Economy (Law No. 2527, Art. 16).

Where a patented invention is of real industrial importance and cannot be worked without the use of an invention patented earlier, the later patentee may apply to the courts for a license under the earlier patent, provided that three years have passed since the application date of the earlier patent (Law No. 2527, Art. 13).

Haiti

1. Official title and date of current legislation

Law concerning Patents of Invention and Industrial Design Patents of December 14, 1922 (P. I. 1923, p. 184).

2. Title(s) granted by the competent administration

The Department of Commerce and Industry grants patents for inventions (Art. 1 and 8).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

New inventions or discoveries in any branch of industry; new systems for the manufacture of industrial products, new machines or mechanical or manual apparatus for the manufacture of such products, discoveries of new industrial products, and the application of known means to obtain improved results (Art. 1 and 2).

Novelty

A discovery, invention or application must be new in Haiti (Art. 16(1)). Patents will not be granted if the inventions or discoveries have been made public in any country before the date of the invention made by the applicant, or if they have been recorded, published or described in any country one year before the application date in Haiti, or if they are in public use or have been put on sale one year before the application date in Haiti (Art. 3).

Industrial application

The discovery or invention must relate to some branch of industry (Art. 1).

4. Non-patentable subject matter

No provision in the legislation referred to under 1.

5. Scope of disclosure (e. g. including best mode of using invention)

The description included in the application must be sufficient to enable the invention to be carried out and must contain a complete and fair statement of the true methods of the inventor (Art. 5 and 16(4)).

6. Search and examination by the competent administration

Examination as to form; patents are granted at the risk of the applicant and without guarantee as to the reality, novelty or merits of the invention or as to the fidelity or accuracy of the description (Art. 8).

7. Publication of application and of grant of title; document(s) issued

The patent is granted by the Secretary of State for Commerce and a copy is sent to the inventor without cost, with a copy of documents relating to the patent; any subsequent copy required either by the applicant or any interested person can be obtained on payment of a fee; patents are published in the Official Journal (Art. 8).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

Five, ten or twenty years from the date of the grant of the patent (Art. 4).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1958), Lisbon Act of 1958 (since 1962). Convention on Inventions, Patents, Designs and Industrial Models (Buenos Aires, 1910).

11. Treatment of foreign nationals and priority rights

National treatment (Art. 1). Priority right under international conventions.

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

No provision in the legislation referred to under 1.

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

No provision in the legislation referred to under 1.

Hungary

1. Official title and date of current legislation

Law on the Protection of Inventions by Patents (No. II of 1969) (I. P. 1970, p. 112, 313).

Decree implementing Law No. II of 1969 (No. 4/1969 (XII.28) OMFBI) (I. P. 1970, p. 314).

Decree concerning Court Proceedings in Patent Matters (No. 9/1969 (XII.28) IM) (I. P. 1970, p. 319).

Announcement No. I-OTH-1969 of the President of the National Office of Inventions on detailed procedural rules governing applications for patents.

Announcement No. II-OTH-1969 of the President of the National Office of Inventions ordering the complete examination of certain patent applications.

Announcement No. I-OTH-1970 of the President of the National Office of Inventions ordering the complete examination of certain patent applications.

Announcement No. V-OTH-1972 of the President of the National Office of Inventions ordering the complete examination of certain patent applications.

2. Title(s) granted by the competent administration

The National Office of Inventions grants patents for inventions (Law, Art. 6 and 52).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any solution which is new, represents progress, is of a technical nature and is capable of practical application (Law, Art. 1).

Plant varieties and animal breeds and the processes for obtaining them are patentable if the variety or breed is new, homogeneous and relatively stable (Law, Art. 6(2) and 67).

Novelty

An invention is not new if it has been made available to the public to such an extent that it can be carried out by a person skilled in the art (Law, Art. 2).

Industrial application

An invention must provide a solution which is of a technical nature and is capable of practical application; a solution is of a technical nature if it brings about a change in a product or a manufacturing process; it is capable of practical application if it can be carried out repeatedly with the same result (Law, Art. 1, 4 and 5).

Progress

An invention must provide a solution which represents progress; a solution represents progress over the prior art if it satisfies needs which remained unsatisfied before, or if it satisfies needs more advantageously than before (Law, Art. 1 and 3).

4. Non-patentable subject matter

Inventions relating to medicaments, products produced chemically or, with the exception of plant varieties and animal breeds, foods used for human or animal consumption; but processes for manufacturing them are patentable (Law, Art. 6(3)(a)).

5. Scope of disclosure (e. g. including best mode of using invention)

The patent application must include a description of the invention enabling a person skilled in the art to carry it out, one or more claims defining the scope of the protection sought, and the necessary drawings; the description must make it possible for a person skilled in the art to carry out the invention (Law, Art. 40 and 41). Models and samples are only submitted on special invitation (Announcement No. I-OTH-1969, Art. 4 and 6).

6. Search and examination by the competent administration

Examination as to form. Examination as to substance with regard to the following:

- the technical nature and practical application of the invention;
- conformity of the invention with the requirements relating to the unpatentability of pharmaceutical and/or chemical products, or food (see 4);
- conformity of the description and the patent claims with the legal requirements;
- unity of the invention;
- whether the application benefits from the claimed right of priority;
- novelty of the invention, and whether it represents progress;
- absence of patent applications or patents relating to the same invention and having an earlier right of priority.

(Law, Art. 44 and 45)

A complete examination, covering all the points mentioned above, is carried out before the application is published, in three cases:

- at the request of the applicant;
- in any field for which a complete examination has been ordered by the President of the National Office of Inventions, with the consent of the competent Minister, by means of an announcement in the Official Journal;
- if the National Office of Inventions otherwise orders a complete examination.

(Law, Art. 46)

There is a deferred examination in other cases, consisting of two stages:

- an examination before the application is published, covering the first five points mentioned above in connection with the examination as to substance (Law, Art. 47(1));
- the subsequent examination, covering the last two points; this is ordered, at the request of any person or ex officio, by the National

Office of Inventions within four years of the publication of the application (Law, Art. 47(2) and (3)).

7. Publication of application and of grant of title; document(s) issued

If the application complies with the requirements of the examination, the National Office of Inventions orders the application to be published; publication may be postponed at the request of the applicant or ex officio (Law, Art. 50(1)).

After publication the application and its attachments may be inspected and copies obtained on payment of prescribed fees (Law, Art. 50(3)). Depending on the results of the examination as to substance and of any opposition proceedings, the National Office of Inventions decides on the grant of a patent; the grant of the patent is registered in the Patent Register and published in the Official Journal of the National Office of Inventions (Law, Art. 52).

8. Rights of others derived from prior manufacture or use

Any person who, before the date of priority, was, in good faith and within the framework of his economic activities, already systematically manufacturing or using the subject of the invention in the country or had made serious preparations with a view to doing so, has a right to continue such manufacture or use (Law, Art. 14).

9. Duration

Twenty years from the filing date of the application (Law, Art. 12).

10. Relevant multilateral conventions

WIPO Convention of 1967 (since 1970); Paris Convention of 1883 (since 1909), Stockholm Act of 1967 (since 1970).

11. Treatment of foreign nationals and priority rights

National treatment. A foreigner filing a patent application must appoint an agent in Hungary (Law, Art. 36). Priority right under international conventions (Law, Art. 43(1)(b)).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

If, after four years from the filing date of an application or three years from the date of the grant of a patent, whichever period expires last, the patentee has not worked the invention in Hungary to the extent and in the way required to meet the needs of the national economy, or if he has not undertaken serious preparations or has not granted a license for that purpose, a compulsory license may be granted, unless the patentee justifies his inaction (Law, Art. 21).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

If the patented invention cannot be worked without infringing another patent, a compulsory license to the extent necessary for working is granted under the patent impeding working (Law, Art. 22).

On the request of the Minister of National Defense, the President of the National Office of Inventions may order that any invention covered by an application or a patent is to be worked for the needs of national defense, subject to compensation whose amount, failing agreement, is fixed by the Court (Law, Art. 24).

Iceland

I. Official title and date of current legislation

Law Relating to Patents, No. 12 of June 20, 1923 (P. I. 1924, p. 175). Patent Regulations 1966.

2. Title(s) granted by the competent administration

The Ministry of Industries grants patents for inventions (Law, Art. 1 and 10).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

New inventions which can be utilized in industry or those whose manufacture may be run as an industry (Law, Art. 1).

Novelty

An invention is not patentable if it has been described in a publication which has been available to the public or if it has been officially exhibited, unless the application is made within six months from the date of the exhibition, or if it has been openly applied in Iceland or disclosed in any other manner to the public in such a way that it has become so well-known that persons skilled in the art can carry it out (Law, Art. 1(4) and 24).

4. Non-patentable subject matter

Inventions which cannot be considered to be of real importance; new medicaments, material for consumption and drugs, although processes of manufacturing these substances may be patented (Law, Art. 1(1) and (3)).

5. Scope of disclosure (e. g. including best mode of using invention)

The application must include a description of the invention which is as clear and complete as is necessary to enable those skilled in the art to carry it out or use it; it must clearly indicate what the invention is and what the inventor claims to be patentable; drawings must also be supplied, if necessary to explain the description, and models or samples according to circumstances; a declaration must be made stating whether a patent has been applied for in another State where an examination is carried out and the Ministry of Industries may require that a report on the result of that application be submitted (Law, Art. 10 and 11).

6. Search and examination by the competent administration

Examination as to form (Law, Art. 13). If an applicant has previously or simultaneously filed an application in another State granting patents after an examination, the patent will generally not be granted in Iceland until the applicant submits documentary proof that he has received a patent in that State; if no patent has been applied for in such a State, the Ministry may have an examination performed at the cost of the applicant (Law, Art. 15; Regulations, Art. 6).

7. Publication of application and of grant of title; document(s) issued

When the application is submitted in proper form the Ministry publishes a notice in the Official Journal stating that the application has been received; the application and relevant documents are laid open for public inspection at a place specified by the Ministry; the applicant may request that the publication and laying-open be postponed for six months from the filing date of the application (Law, Art. 13 and 19).

Opposition may be made by any person to the grant of a patent within twelve weeks from the publication of the notice (Law, Art. 14). The Ministry keeps a register of all patents issued; anyone may consult the register and the applications, descriptions and other matter concerning patents granted (Law, Art. 18).

8. Rights of others derived from prior manufacture or use

Those who have commenced working an invention in Iceland prior to the filing of the patent application or who have made serious preparations for so doing are not liable for patent infringement (Law, Art. 6).

9. Duration

Fifteen years from the date of the grant of the patent (Law, Art. 4).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1962), London Act of 1934 (since 1962). European Convention Relating to the Formalities Required for Patent Applications of 1953.

11. Treatment of foreign nationals and priority rights

National treatment. Priority right under Paris Convention (Regulations, Art. 6).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

If, after five years from the date of the grant of a patent, neither the patentee nor anyone on his behalf is working the invention within Iceland to the extent that may be reasonably expected, a license must be granted by the patentee upon request, subject to determination by the Ministry and payment of compensation determined by impartial valuers in default of agreement (Law, Art. 8 and 9).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

After three years from the date of the grant of a patent, a patentee must permit use of the patent by a person who holds a more recent patent in respect of an invention which is of importance for industry, but which cannot be utilized without the use of the previous patent, subject to payment of compensation; the owner of the previous patent is authorized to use the invention under the subsequent patent, subject to payment of compensation (Law, Art. 8).

The State may, without the consent of a patentee, use a patented invention subject to payment of compensation (Law, Art. 8).

India

1. Official title and date of current legislation

The Patents Act, 1970 (No. 39 of 1970) (I. P. 1972, p. 304, 353).
The Patents Rules, 1972.

2. Title(s) granted by the competent administration

The Patent Office grants patents (Act, Sec. 2(1)(m) and (r), 43(1) and 74).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any new and useful art, process, method or manner of manufacture, machine, apparatus or other article, or substance produced by manufacture, including any new and useful improvement of any of them (Act, Sec. 2(1)(j)).

Novelty

The patent may be revoked by the Court if the invention, so far as claimed in any claim of the complete specification, is not new having regard to what was publicly known or publicly used in India or to what was published in India or elsewhere before the priority date of the claim; where the patent is for a process or for a product as made by a process described or claimed, the importation into India of the product made abroad by that process constitutes knowledge or use in India of the invention on the date of the importation, except where such importation has been for reasonable trial or experiment only (Act, Sec. 64(1)(e) and (2)).

An invention is not deemed to have been anticipated:

- if the matter published was obtained from the person entitled to the patent and published without his consent and if the application was made as soon as reasonably practicable after the person entitled to the patent learned of the publication, unless the invention has already been commercially worked in India by or with the consent of the applicant or his predecessor in title (Act, Sec. 29);
- by reason of a previous communication to any person authorized by the Government to investigate the invention or its merits (Act, Sec. 30);

— if the invention has been displayed or used at an exhibition officially recognized by the Government, described or published following this display, or described in a paper for a learned society, provided that an application for the patent has been made by the person entitled to the patent not later than six months after the opening of the exhibition, the description or the publication of the paper (Act, Sec. 31);

— if the invention was publicly worked in India at any time within one year before the priority date of the relevant claim by the patentee for the purpose of reasonable trial if this was reasonably necessary (Act, Sec. 32).

Inventive step

The patent may be revoked by the Court if the invention so far as claimed in any claim of the complete specification is obvious and does not involve any inventive step, having regard to what was publicly known or what was publicly used in India or what was published in India or elsewhere before the priority date of the claim (Act, Sec. 64(1)(f)).

Industrial application

The invention must be useful (Act, Sec. 2(1)(j) and 64(1)(g)).

4. Non-patentable subject matter

The mere discovery of a scientific principle or the formulation of an abstract theory.

The mere discovery of any new property or new use for a known substance or of the mere use of a known process, machine or apparatus unless such process results in a new product or employs at least one new reactant.

A substance obtained by a mere admixture resulting only in the aggregation of the properties of the components thereof or a process for producing such substance.

The mere arrangement or re-arrangement or duplication of known devices, each functioning independently of one another in a known way.

A method or process of testing applicable during the process of manufacture for rendering the machine, apparatus or other equipment more efficient or for the improvement or restoration of an existing machine, apparatus or other equipment or for the improvement or control of manufacture.

A method of agriculture or horticulture.

Any process for the medicinal, surgical, curative, prophylactic or other treatment of human beings or any process for the similar treatment of animals or plants to render them free of disease or to increase their economic value or that of their products.

(Act, Sec. 3)

Inventions relating to atomic energy (Act, Sec. 4).

Inventions:

— in so far as they claim substances intended for use, or capable of being used, as food or as medicines or drugs, or

— in so far as they relate to substances prepared or produced by chemical processes (including alloys, optical glass, semi-conductors and inter-metallic compounds);

however, claims for methods or processes of the manufacture of such substances are patentable.

(Act, Sec. 5)

5. Scope of disclosure (e. g. including best mode of using invention)

The application must fully and particularly describe the invention and its operation or use and the method by which it is to be performed, disclosing the best method of performing the invention which is known to the applicant and for which he is entitled to claim protection; the complete specification must end with a claim or claims defining the scope of the invention for which protection is sought (Act, Sec. 10(4)). If the complete specification does not sufficiently and fairly describe the invention and the method by which it is to be performed (that is to say, that the description of the method or the

instructions for the working of the invention as contained in the complete specification are not, by themselves, sufficient to enable a person in India possessing average skill in, and average knowledge of, the art to which the invention relates, to work the invention) or if the complete specification does not disclose the best method of performing the invention which was known to the applicant and for which he was entitled to claim protection, the patent may be revoked (Act, Sec. 64(1)(h)).

6. Search and examination by the competent administration

Applications are examined, within 18 months from the date of the reference of the matter to the examiner, as to form and substance and in particular in order to ascertain whether the invention, so far as claimed in any claim of the complete specification:

- has been anticipated by publication before the date of filing of the applicant's complete specification in any specification filed in pursuance of an application for a patent made in India and dated on or after January 1, 1912;
- is claimed in any claim of any other complete specification published on or after the date of filing of the applicant's complete specification, being a specification filed in pursuance of an application for a patent made in India and dated before or claiming a priority date earlier than that date;
- has been anticipated by publication in India, or elsewhere, in any other document before the date of filing the applicant's complete specification (if the examiner is directed by the Controller of Patents to make this investigation).

(Act, Sec. 12 and 13)

Applicants may be required to inform the Controller of any objection to novelty or patentability made in respect of the same application in any other country, as well as the amendments effected and the claims allowed (Act, Sec. 8(2) and (1)(a)).

7. Publication of application and of grant of title; document(s) issued

The acceptance of the application is advertised in the Official Gazette; thereupon the application and specification (including drawings, if any) are open to public inspection (Act, Sec. 23).

The register of patents is open to public inspection and copies of any entries therein may be given, on payment of the prescribed fees, to persons requiring them (Act, Sec. 72).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

Seven years from the date of the filing of the complete specification or five years from the date of sealing, whichever period is shorter, as regards food and drug patents (Act, Sec. 53(1)(a) and 45(1)).

Fourteen years from the date of the filing of the complete specification as regards other inventions (Act, Sec. 53(1)(b) and 45(1)).

10. Relevant multilateral conventions

None.

11. Treatment of foreign nationals and priority rights

National treatment is given in India to foreigners. However, if a country does not confer on Indian nationals the same rights as on its own nationals and is so specified in the Official Gazette, no national of such country is entitled, either solely or jointly with any other person, to apply for the grant of a patent or be registered as the proprietor of a patent, to be registered as the assignee of the proprietor of a patent, or to apply for a license or hold any license under a patent granted in India (Act, Sec. 134).

Twelve months' foreign priority from the date of the earliest application in a country which grants reciprocity, with which India has concluded a treaty, convention or arrangement and which is, by notification in the Official Gazette, declared a "convention country" (Act, Sec. 133 and 135).

12. Invalid clauses in license agreements

It is not lawful to insert in any contract for or in relation to the sale or lease of a patented article or an article made by a patented process, in a license to manufacture or use a patented article or in a license to work any process protected by a patent, a condition the effect of which may be:

- to require the purchaser, lessee or licensee to acquire from the vendor, lessor, licensor, or his nominees, or to prohibit him from acquiring, or to restrict in any manner or to any extent his right to acquire from any person, or to prohibit him from acquiring, except from the vendor, lessor or licensor or his nominees, any article other than the patented article or an article other than that made by the patented process;
- to prohibit the purchaser, lessee or licensee from using, or to restrict in any manner or to any extent his right to use, an article other than the patented article or an article other than that made by the patented process, which is not supplied by the vendor, lessor or licensor or his nominees;
- to prohibit the purchaser, lessee or licensee from using, or to restrict in any manner or to any extent, his right to use any process other than the patented process.

Such conditions are void and remain void even when the agreement containing one of them (or all of them) has been entered into separately, whether before or after the contract relating to the sale, lease or license of the patented article or process.

In proceedings for infringement it is a defense that a contract relating to the patent was in force at the time of the infringement and contained an unlawful condition.

However, conditions in contracts prohibiting a person from selling goods other than those of a particular person or reserving to a lessor or licensor the right to supply such new parts of the patented article as may be required to put or keep it in repair are not affected.

(Act, Sec. 140)

13. Compulsory license, revocation or expropriation where the invention is not worked

At any time after three years from the date of the sealing of a patent, the Controller may, upon application, grant a compulsory license upon such terms as he may deem fit if the reasonable requirements of the public with respect to the patented invention have not been satisfied, namely:

- if, by default by the patentee to manufacture in India to an adequate extent and supply on reasonable terms the patented article: an existing trade or industry or the development thereof or the establishment of any new trade or industry in India is prejudiced, or the demand for the patented article is not being met to an adequate extent or on reasonable terms from manufacture in India, or a market for the export of the patented article manufactured in India is not being supplied or developed, or the establishment or development of commercial activities in India is prejudiced;
- if the patented invention is not being worked in India on a commercial scale to an adequate extent or is not being so worked to the fullest extent that is reasonably practicable;
- if the working of the patented invention in India on a commercial scale is being prevented or hindered by the importation from abroad of the patented article.

(Act, Sec. 84 and 90(a), (c) and (e))

On the same grounds, and after the same period, the Central Government may make an application to the Controller for an endorsement of the patent with the words "Licenses of right," with the effect that any person interested is entitled to a license upon terms decided, in the absence of agreement, by the Controller (Act, Sec. 86 and 88).

The Controller may, at any time during the continuance of a patent, require a patentee or licensee to furnish to him information as to the extent to which the patented invention has been commercially worked in India; every patentee and every licensee is required to furnish at intervals of not less than six months a statement on the extent to

which the patented invention has been worked on a commercial scale in India (Act, Sec. 146).

Two years after the grant of a compulsory license or a "Licenses of right" endorsement the patent may be revoked on the same grounds (Act, Sec. 89).

The following general conditions apply to the grant of compulsory licenses: royalties should have regard to the nature of the invention, the expenditure incurred by the patentee in making or developing the invention and in obtaining and keeping in force the patent; the patented invention is to be worked to the fullest extent by the licensee with reasonable profit; the patented articles are to be made available to the public at reasonable prices; compulsory licenses do not authorize importation unless the Controller is so directed by the Central Government in the public interest (Act, Sec. 95).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

The same sanctions as are referred to in 13 apply:

- if by refusal of a patentee to grant a license on reasonable terms: an existing trade or industry or the development thereof or the establishment of any new trade or industry in India is prejudiced, or the demand for the patented article is not being met to an adequate extent or on reasonable conditions from manufacture in India, or a market for the export of the patented article manufactured in India is not being supplied or developed, or the establishment or development of commercial activities in India is prejudiced;
- if by reason of conditions imposed by the patentee upon the grant of licenses or upon the purchase, hire or use of the patented article or process, the manufacture, use or sale of materials not protected by the patent or the establishment or development of any trade or industry in India is prejudiced;
- if the demand for the patented article in India is being met to a substantial extent by importation from abroad by: the patentee or persons claiming under him, or persons directly or indirectly purchasing from him, or other persons against whom the patentee is not taking or has not taken proceedings for infringement;
- if the patented invention is not available to the public at a reasonable price.

(Act, Sec. 84, 86, 88, 89 and 90(a), (b) and (d))

As regards food, medicine, drugs and chemicals, every patent is deemed to be endorsed with the words "Licenses of right" after three years from the date of sealing of the patent (Act, Sec. 87).

Any machine, apparatus or other article in respect of which the patent is granted, or any article made by using a process in respect of which the patent is granted, may be imported or made by or on behalf of the Government for the purpose merely of its own use. Any process in respect of which the patent is granted may be used by or on behalf of the Government for the purpose merely of its own use. Any machine, apparatus or other article in respect of which the patent is granted or any article made by the use of the process in respect of which the patent is granted, may be made or used, and any process in respect of which the patent is granted may be used, by any person, for the purpose merely of experiment or research including the imparting of instructions to pupils. In the case of a patent in respect of any medicine or drug, the medicine or drug may be imported by the Government for the purpose merely of its own use or for distribution in any dispensary, hospital or other medical institution which the Central Government may, having regard to the public service that such dispensary, hospital or medical institution renders, specify in this behalf by notification in the Official Gazette.

(Act, Sec. 47)

The Central Government may declare that the grant of compulsory licenses at any time after the sealing of a patent is necessary or expedient in the public interest (Act, Sec. 97).

After the filing of an application for a patent, the invention may be used for the purposes of Government; such use is without remuneration for the patentee where the invention has been recorded or tested

by the Government before the priority date otherwise than in consequence of being communicated by the patentee or by a person from whom he derives title; where the invention has not been so recorded or tested, such use is upon terms which, in default of agreement, are determined by the Court (Act, Sec. 99 and 100).

The Government may, if it considers it necessary in the public interest, acquire all the rights under a patent by publishing a notification to that effect in the Official Gazette, and compensation is given to the patentee and other persons having an interest in the patent (Act, Sec. 102).

Where the Central Government is of the opinion that a patent or the mode in which it is exercised is mischievous to the State or generally prejudicial to the public, it may, after giving the patentee an opportunity to be heard, make a declaration to that effect in the Official Gazette and thereupon the patent shall be deemed to be revoked (Act, Sec. 66).

Iran

1. Official title and date of current legislation

Law on the Registration of Trademarks and Patents of Invention of June 21, 1931 (P. I. 1931, p. 176).

Decree Reorganizing the Office of Registration of Trademarks and Patents, No. 51583, of March 1, 1949 (P. I. 1951, p. 111).

Amended Regulations of the Law on the Registration of Trademarks and Patents of Invention, of July 5, 1958 (P. I. 1959, p. 41).

2. Title(s) granted by the competent administration

The Office for the Registration of Companies and Industrial Property grants patents for inventions (Law, Art. 26; Decree, Art. 1 and 2).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

All new discoveries or inventions in the various branches of industry or agriculture (Law, Art. 26). New industrial products and new means or a new application of known means for obtaining a result or an industrial or agricultural product (Law, Art. 27(1) and (2)).

Novelty

Any invention or improvement of an invention is considered to be new if, before the filing date, plans and drawings concerning that invention have not been put into practice or published in Iran or abroad in periodicals or advertising material available to the public (Law, Note to Art. 37).

Industrial application

The invention must be applicable to industry or agriculture (Law, Art. 26 and 37(3)).

4. Non-patentable subject matter

Systems for financial combinations, and pharmaceutical formulac and compounds (Law, Art. 28).

5. Scope of disclosure (e. g. including best mode of using invention)

The description must be legible and so written that persons who have knowledge in the matter can understand the subject of the invention and its novelty (Regulations, Art. 26).

6. Search and examination by the competent administration

Examination as to form (Regulations, Art. 28 and 29). Patents are granted at the risk of the patentee and without any guarantee as to the validity, usefulness or effectiveness of the invention (Law, Art. 36).

7. Publication of application and of grant of title; document(s) issued

No publication of the application; only the grant of the patent is published in the Official Gazette (Regulations, Art. 32). Any person, after

the grant of the patent, may consult the documents relating to the patent and obtain a copy thereof on payment of the prescribed fee (Law, Art. 42).

8. Rights of others derived from prior manufacture or use

An inventor who has obtained a patent for his invention outside Iran may apply for a patent in Iran, but if a person or a firm in Iran has completely or partially worked the invention prior to the application for registration, or has made preparations for its working, the inventor will not have the right to oppose the actions of the said person or firm (Law, Art. 30).

9. Duration

Five, ten, fifteen or twenty years from the date of the application at the option of the inventor (Law, Art. 33; Regulations, Art. 33); but not exceeding the unexpired term abroad, in the case of a foreign patent for the same invention (Law, Art. 30).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1959), Lisbon Act of 1958 (since 1962).

11. Treatment of foreign nationals and priority rights

National treatment under international conventions or if reciprocity is granted (Law, Art. 44). Priority right under Paris Convention.

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

If, after five years from the date of the grant of the patent, the patented invention has not been effectively worked, any interested person may apply to the Court of First Instance for an order revoking the patent (Law, Art. 37).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

No provision in the legislation referred to under 1.

Iraq

1. Official title and date of current legislation

Patents and Industrial Designs Law, No. 65 of 1970 (I. P. 1971, p. 124). Patents and Industrial Designs Regulations, No. 21 of 1970.

2. Title(s) granted by the competent administration

The Directorate General of Registration and Supervision of Companies grants patents for inventions (Law, Art. 21 and 1(viii); Regulations, Art. 2(1)).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Anything which is new and capable of industrial exploitation, whether pertaining to new industrial products or to novel methods and techniques or to both (Law, Art. 1(iv)).

Novelty

An invention is not considered to be new if:

- within the 50 years preceding the date of the application, it is germane to a patent already used publicly in Iraq or abroad, or if the relevant specification or drawings were published in bulletins issued in Iraq or abroad in such an obvious manner that it may be carried out by experts;

- within the 50 years preceding the date of the application, a patent has already been granted in respect of the invention, or of part thereof, to a person other than the inventor, or if a third party has already applied for a patent for the invention itself or for part thereof.

(Law, Art. 4)

4. Non-patentable subject matter

Medical and pharmaceutical preparations; methods or techniques used in financial, banking or accounting matters; layouts of buildings and models related thereto (Law, Art. 3).

5. Scope of disclosure (e. g. including best mode of using invention)

The patent application must include a specification of the invention which indicates how it is to be worked; the specification must clearly indicate the new elements for which protection is desired and must be accompanied by drawings where necessary (Law, Art. 16; Regulations, Art. 6).

6. Search and examination by the competent administration

Examination as to form (Law, Art. 18). Search by a special committee as to the merits of the invention.

7. Publication of application and of grant of title; document(s) issued

The application is published when formal requirements are fulfilled (Law, Art. 20). The decision to grant the patent is published in the official bulletin (Law, Art. 21 and 1(x)).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

Fifteen years from the date of the application for the patent or from the date when the documents were completed (Law, Art. 13).

10. Relevant multilateral conventions

None.

11. Treatment of foreign nationals and priority rights

Arab citizens, foreigners resident in Iraq and having a real place of business, foreigners who are nationals of countries according Iraq reciprocal treatment, and companies, societies or organizations set up in Iraq or in countries according Iraq reciprocal treatment, where such bodies have legal personality, are entitled to apply for a patent (Law, Art. 7). Applications from persons residing abroad can only be submitted through legally authorized agents (Regulations, Art. 4).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

Where an invention is not worked in Iraq within three years from the date of grant of the patent, or where the working is not commensurate with the country's needs, or where the working of the invention is suspended for at least two years, the Registrar may grant a compulsory license to work the invention to any person who applies for one; the applicant must be capable of working the invention seriously and the patentee is entitled to apply to the Registrar for fair compensation within 90 days of the date of the publication of the decision to grant the compulsory license (Law, Art. 27).

If a patented invention has not been worked within two years of the grant of a compulsory license, the Registrar may revoke the patent and any interested person may apply to him for such revocation (Law, Art. 29).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

Where the working of an invention is of great importance to industry and requires the use of another invention for which a patent has already been granted, the Registrar may grant the later patentee a compulsory license to work the earlier invention if the proprietor thereof refuses to agree to such working on reasonable terms determined by the Registrar; the proprietor of the former invention may be granted a compulsory license to work the subsequent invention if his invention is of greater importance (Law, Art. 28).

Expropriation is possible in the public interest (Law, Art. 30).

Ireland

1. Official title and date of current legislation

Patents Act, 1964 (No. 12 of 1964) (I. P. 1964, p. 188, 211, 238, 261), as amended.

Patents Rules, 1965, as amended.

2. Title(s) granted by the competent administration

The Patent Office grants patents (Act, Sec. 7(1) and 2).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any new and useful art, process, machine, manufacture or composition of matter, or improvement thereof, and any new method or process of testing applicable to improvement or control of manufacture (Sec. 2).

Novelty

The patent may be revoked by the Court if the invention has been made available to the public in Ireland by written or spoken word, by public use or in any other way, before the priority date of the claim (Act, Sec. 2 and 34(1)(e)).

The following do not destroy novelty:

- if the invention is obtained from the inventor and published without his consent, he files a patent application within six months from such publication and the invention has not been commercially worked in Ireland, otherwise than for the purposes of reasonable trial, before the priority date of the claim;
- a patent application and any resulting use or publication, made in contravention of the right of the true and first inventor or a person deriving title from him;
- disclosure through an officially certified international exhibition, provided that the exhibitor gives prior notice to the Controller of his intention to exhibit and that he applies for a patent no later than six months after the opening of the exhibition.

(Act, Sec. 47 and 48(2))

Inventive step

The patent may be revoked by the Court if the invention is obvious and does not involve an inventive step having regard to any matter published before the application or published after and claiming an earlier priority date (Act, Sec. 34(1)(f)).

Industrial application

The invention must be useful; the patent may be revoked by the Court if the invention is not useful (Act, Sec. 2 and 34(1)(g)).

4. Non-patentable subject matter

Substances capable of being used as food or medicine which are mixtures of known ingredients possessing only the aggregate of the known properties of the ingredients; and processes producing such substances by mere admixture (Act, Sec. 15(1)(c)).

5. Scope of disclosure (e. g. including best mode of using invention)

The complete specification must sufficiently describe the invention and the method of performing it, and disclose the best method thereof

known to the applicant; the claims must define the scope of the protection sought, be clear and succinct and fairly based on matter disclosed (Act, Sec. 9(3) and (4)).

6. Search and examination by the competent administration

Examination as to form and substance; the search for anticipation covers previous Irish patents, patent applications and other documents published in the State (Act, Sec. 12(1) and (2)). The applicant must furnish evidence of the results of investigations made in prescribed foreign Patent Offices for the purpose of ascertaining whether the invention had previously been published in a specification filed in such Offices as well as evidence of the acceptance by such Offices of the corresponding application (Act, Sec. 8(6); Rules, Rule 27(1)).

7. Publication of application and of grant of title; document(s) issued

Notification of the acceptance and the date on which the application and the specification(s) will be open to public inspection are published in the Official Journal (Act, Sec. 18(2) and 69).

The register of patents is open to inspection by the public, and certified copies of any entry therein are given to any person interested on payment of the prescribed fees (Act, Sec. 63(2)).

Any person interested may oppose the grant of a patent within three months from the publication of the complete specification (Act, Sec. 19(1)).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

Sixteen years from the date of the filing of the complete specification (Act, Sec. 26(1) and (3)). If the patentee has been inadequately remunerated by his patent, the patent may be extended for five years, or in exceptional cases ten years, or a new patent may be issued (Act, Sec. 27(6)).

10. Relevant multilateral conventions

WIPO Convention of 1967 (since 1970); Paris Convention of 1883 (since 1925), Stockholm Act of 1967 (since 1970).

European Convention Relating to the Formalities Required for Patent Applications of 1953; European Convention on the International Classification of Patents for Invention of 1954.

11. Treatment of foreign nationals and priority rights

National treatment under international conventions (Act, Sec. 6(2)).

Priority right under international conventions (Act, Sec. 6(3) and 93(1)).

12. Invalid clauses in license agreements

It is not lawful to insert in a contract for or in relation to the sale or lease of, or a license to use or work a patented article or process a condition the effect of which would be:

- to prevent or restrict the purchaser, lessee, or licensee from using any article or process, whether patented or not, supplied or owned by any person other than the seller, lessor, or licensor or his nominees; or
- to require the purchaser, lessee, or licensee to acquire from the seller, lessor, licensor, or his nominees, any article not protected by the patent;

and any such condition is null and void.

These provisions do not apply if:

- the seller, lessor, or licensor proves that at the time the contract was entered into the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or license on reasonable terms, without the condition; and
- the contract entitles the purchaser, lessee, or licensee to relieve himself of his liability to observe the condition on giving the other

party three months' notice in writing and on payment of such compensation as may be fixed by an arbitrator appointed by the Minister.

Any contract relating to the lease of or license to use or work any patented article or patented process may, at any time after the patent has ceased to be in force, be determined by either party on giving three months' notice in writing to the other party.

The insertion by the patentee in a contract of any condition which by virtue of the above provisions is null and void is available as a defense to an infringement action relating to the patent brought while the contract is in force.

The above provisions do not affect:

- a condition in a contract whereby a person is prohibited from selling any goods other than those of a particular person;
- a condition in a lease or license agreement by which the lessor or licensor reserves to himself or his nominees the right to supply such new parts of the patented article as may be required to put or keep it in repair.

(Act, Sec. 54)

13. Compulsory license, revocation or expropriation where the invention is not worked

If, after four years from the application or three years from the grant of the patent, whichever is the later:

- the patented invention, capable of being commercially worked in Ireland, is not being worked therein, or is not being worked to the fullest extent reasonably practicable,
- the commercial working of the invention is being prevented or hindered by the importation of the patented article,

any person interested may apply for a compulsory, non-exclusive and non-transferable license under the patent or for the endorsement of the patent with the words "licenses of right," with the effect that any person interested is entitled to a license.

(Act, Sec. 39(1), (2)(a) and (c) and (3)(d))

Where an order for the grant of a license has been made, the patent may be revoked after two years from the date of that order if the Controller is satisfied that the grounds for granting a license could not be otherwise achieved (Act, Sec. 43(1)).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

The same sanctions, after the same period, as are referred to in 13 apply if:

- the demand for the patented article in Ireland is not being met on reasonable terms or is being met to a substantial extent by importation;
- by reason of the refusal of the patentee to grant a license or licenses on reasonable terms: a market for the export of the patented article manufactured in Ireland is not being supplied, or the working or efficient working in Ireland of any other patented invention which makes a substantial contribution to the art is prevented or hindered, or the establishment or development of commercial or industrial activities in Ireland is unfairly prejudiced;
- by reason of conditions imposed by the patentee upon the grant of licenses under the patent, or upon the purchase, hire or use of the patented article or process, the manufacture, use or sale of materials not protected by the patent, or the establishment or development of commercial or industrial activities in Ireland is unfairly prejudiced;
- a condition which is null and void (see 12) has been inserted in a contract for the sale or lease of, or license to use or work, any article or process protected by the patent.

(Act, Sec. 39(2)(b) and (d) to (f))

If the patented invention is a substance capable of being used as food or medicine or in the production thereof, or a process for producing such substance, or is capable of being used as or as part of a medical, surgical or other remedial device, the Controller grants a license to any applicant unless there are good reasons for refusing the application; in settling the terms of the license, the Controller must secure

that food, medicines and medical, surgical and other remedial devices are available to the public at the lowest prices consistent with the patentee deriving a reasonable advantage from the patent (Act, Sec. 42(1) and (2)).

Any Minister of State or person authorized by him may make, use, exercise or vend the invention for the service of the State on such terms as may be agreed upon, or in default of agreement, as may be fixed by the Court, provided that if the invention was recorded in an official document or tried on behalf of the State before the patent application, without having been communicated by the inventor, this use will be free of charge (Act, Sec. 92). A patent may be revoked by the Court if the patentee has without reasonable cause failed to comply with a request of the Minister to make, use, exercise or vend the patented invention for the service of the State upon reasonable terms (Act, Sec. 34(2)).

Israel

1. Official title and date of current legislation

Patents Law (5727-1967) (I. P. 1969, p. 79).
Patents Regulations (5728-1968).

2. Title(s) granted by the competent administration

The Patent Office grants patents (Law, Sec. 35 and 156).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any new and useful invention, whether a product or a process, which is susceptible of industrial or agricultural application and involves an inventive step (Law, Sec. 3).

Novelty

An invention is deemed to be new unless it has been published, in Israel or abroad, prior to the application date by written, visual, audible or any other description, or by exploitation or exhibition in such a manner that a man of the art can carry it out in accordance with the details of the description or the details thus made known (Law, Sec. 4).

There is no loss of novelty by publication of the invention, if:

- it is proved that the matter published was obtained from the owner of the invention or his predecessor in title and was published without his consent and the patent application was filed within a reasonable time after the publication became known to the applicant;
- publication was made by the owner of the invention or his predecessor in title in connection with an industrial or agricultural exhibition in Israel or a recognized exhibition in a Convention country, official notice of which had been given to the Registrar before its opening, or by a lecture before a scientific society or by an official publication of such a lecture, provided that the Registrar had been given prior notice of the lecture and that the patent application is filed within six months after the opening of the exhibition or after such publication.

(Law, Sec. 6)

Inventive step

An inventive step is a step which to an average man of the art does not appear obvious in the light of information published prior to the application date (Law, Sec. 5).

Industrial application

The invention must be useful and susceptible of industrial or agricultural application (Law, Sec. 3).

4. Non-patentable subject matter

Methods of therapeutical treatment of the human body and new varieties of plants and animals, except microbiological organisms which have not been derived from nature (Law, Sec. 7).

5. Scope of disclosure (e. g. including best mode of using invention)

The patent application must include a description which is sufficient to enable a man of the art to carry out the invention, one or more claims defining the scope of the protection sought and the necessary drawings (Law, Sec. 12 and 13; Regulations, Art. 19 and 20).

6. Search and examination by the competent administration

Examination as to form and substance (Law, Sec. 17).

For certain prescribed classes of inventions, the Registrar may refer the specification to an international body for search or require the applicant to submit a list of the material relied upon by the patent authority in a foreign country in examining a patent application for the same invention filed in that country by the applicant or his predecessor in title (Law, Sec. 18(a)).

7. Publication of application and of grant of title; document(s) issued

After the filing of the application, the Registrar publishes the title of the invention, the name of the applicant, the application date and, where relevant, the priority data (Law, Sec. 16).

After the acceptance of the application, publication is made of the fact of its acceptance and includes, inter alia, a description of what the Registrar believes to be the main features of the invention (Law, Sec. 26).

Any person may oppose the grant of a patent by written notice to the Registrar within three months from the date of publication of the acceptance of the application (Law, Sec. 30).

The grant of the patent is registered in the Register of Patents (Law, Sec. 36). The Register is open to inspection by the public and certified extracts may be obtained on payment of the prescribed fees (Law, Sec. 168).

8. Rights of others derived from prior manufacture or use

Any third party who, before the date of the application or the priority date, has worked the invention in good faith in Israel, or has made in good faith the necessary arrangements for its working, is personally entitled to work that invention in the course of his business without payment (Law, Sec. 53).

9. Duration

Twenty years from the application date (Law, Sec. 52).

10. Relevant multilateral conventions

WIPO Convention of 1967 (since 1970); Paris Convention of 1883 (since 1950), Stockholm Act of 1967 (since 1970). European Convention Relating to the Formalities Required for Patent Applications of 1953; European Convention on the International Classification of Patents for Invention of 1954.

11. Treatment of foreign nationals and priority rights

National treatment. Priority right under Paris Convention (Law, Sec. 1 and 10).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

The Registrar may grant compulsory non-exclusive licenses if he is satisfied that, after three years from the date of the grant of the patent or four years from the date of the filing of the patent application, whichever is later:

- the product is not manufactured in Israel and the patentee refuses to grant to a local manufacturer, on reasonable conditions, a license for its manufacture or use, whether for the requirements of the local market or for export purposes;
- the working of the invention by way of manufacture in Israel is impossible or restricted owing to importation of the product. (Law, Sec. 117, 119(3) and (4) and 126)

In dealing with applications for compulsory licenses the Registrar must take into account, inter alia, the ability of the applicant to remedy the defect on account of which the license was applied for, the public interest requiring working of inventions in Israel to the greatest extent possible, the right to a reasonable remuneration, the rights of manufacturers and any other factors relating to the invention (Law, Sec. 122).

Two years after the grant of the first compulsory license, the Registrar may revoke the patent if he is satisfied that the grant of that license has been unable to prevent the abuse of the monopoly which was the ground for such grant (Law, Sec. 129).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

The same sanctions, after the same period, as are referred to in 13 apply if:

- the demand for the product is not supplied in Israel in full and on reasonable conditions;
- the conditions attached by the patentee to the supply of the product or to the grant of a license for its manufacture or use and arising essentially out of the existence of the patent are not fair in the circumstances of the case and do not take into account the public interest;
- the patentee refuses to grant, on reasonable conditions, a license for the manufacture of the product or the use of the process in Israel and, as a result, the export of a product from Israel is prevented or adversely affected, or the launching or development of a commercial or industrial venture in Israel is prevented. (Law, Sec. 117, 119(1), (2) and (5), 122, 126 and 129)

Compulsory licenses may also be granted by the Registrar:

- for a patented product capable of being used as a medicament or for the manufacture of a medicament, for a patented process for the manufacture of such a product, or for a patented device usable for medical purposes, in order to assure the public of a reasonable quantity of medical supplies (Law, Sec. 120), if necessary even by importation (Law, Sec. 123(c));
- in order to work an earlier invention to the extent necessary for the working of a later invention. Where both inventions serve the same industrial purpose, the owner of the earlier invention may request a similar license on the later invention (Law, Sec. 121).

Permits may be granted by the Minister of Defense in order to allow the working of an invention by a government department or State enterprise or agency in the interests of the defense of the State or the maintenance of essential supplies and services (Law, Sec. 104).

Italy

1. Official title and date of current legislation

Royal Decrees No. 1127 of June 29, 1939 (P. I. 1940, p. 84) and No. 244 of February 5, 1940 (P. I. 1940, p. 110), as amended to 1972, in particular by the Decrees of the President of the Republic No. 849 of February 26, 1968 (I. P. 1968, p. 369) and No. 540 of June 30, 1972, with the related Regulations.

Civil Code of March 16, 1942 (Art. 2584 to 2591) (P. I. 1943, p. 31).

2. Title(s) granted by the competent administration

The Central Patent Office grants patents for inventions (Decree No. 1127, Art. 4 and 37, as amended by Decree No. 540).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

All new inventions which are capable of industrial application, such as methods or processes of industrial manufacture, machines, instruments, mechanical devices, industrial products or results and technical applications of scientific principles provided they produce immediate industrial results; in the latter case the patent is limited to the results

indicated by the inventor (Decree No. 1127, Art. 12; Civil Code, Art. 2585).

Novelty

An invention is new if it has not been disclosed in the country or abroad, before the filing of the patent application, in such a manner as to make it possible to put it into practice (Decree No. 1127, Art. 15). Temporary protection is granted to inventions disclosed by national scientific societies or academies (Decree No. 1127, Art. 17) and, by decree of the Minister, to inventions shown in official or officially recognized national or international exhibitions even if held in a foreign country provided that reciprocity is granted (Decree No. 1127, Art. 8).

4. Non-patentable subject matter

Medicaments of any kind and processes for their manufacture (Decree No. 1127, Art. 14).

5. Scope of disclosure (e. g. including best mode of using invention)

The invention must be described in such a manner that any person skilled in the art can carry it out (Decree No. 1127, Art. 28 and 59(3)).

6. Search and examination by the competent administration

Examination as to form, compliance with definition of invention and non-patentable subject matter; examination does not take into account the technical or economic value of the invention (Decree No. 1127, Art. 31).

7. Publication of application and of grant of title; document(s) issued

A document certifying the grant of the patent is issued to the applicant or his successor in title, and a notice of the grant of the patent is published in the patent journal (Decree No. 1127, Art. 37 and 38).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

Fifteen years from the filing date of the patent application (Decree No. 1127, Art. 4).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1884), Lisbon Act of 1958 (since 1968).

European Convention Relating to the Formalities Required for Patent Applications of 1953; European Convention on the International Classification of Patents for Invention of 1954.

11. Treatment of foreign nationals and priority rights

National treatment (Decree No. 1127, Art. 21). Priority right under international conventions (Decree No. 1127, Art. 16(2); Decree No. 244, Art. 11 and 13).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

Patented inventions must be worked in the country in a measure proportionate to national needs (Decree No. 1127, Art. 52). Importation of patented articles is not deemed to be working of the invention (Decree No. 1127, Art. 53).

If, after three years from the date of the grant of the patent or four years from the date of the application, whichever is later, the patentee has not worked the invention in the country, either directly or by means of one or more licensees, or has worked it in a manner which results in serious conflict with the needs of the country, or if he has interrupted or curtailed working in the manner referred to above for more than three years, a compulsory license may be granted to any

applicant (Decree No. 1127, Art. 54, as amended by Decree No. 849). If the invention is not sufficiently worked within two years from the grant of the first compulsory license, the patent lapses (Decree No. 1127, Art. 54^{ter}, as introduced by Decree No. 849).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

A compulsory license may be granted to the owner of a patented invention that cannot be worked without prejudice to other patent rights, provided that the later invention represents a significant technical advance over the earlier; if both patents have the same industrial purpose, a compulsory license is only granted subject to the grant of a license under the later patent in favor of the owner of the earlier patent if he so applies (Decree No. 1127, Art. 54, as amended by Decree No. 849).

Patent rights, even if deriving from pending applications, may be expropriated by the Government in the interest of military defense or for other reasons of public interest, subject to the payment of compensation (Decree No. 1127, Art. 60 and 62).

Ivory Coast

See under *OAMPI* (June 1974 issue).

Japan

1. Official title and date of current legislation

Patent Law (Law No. 121 of April 13, 1959, as amended to Law No. 96 of 1971) (I. P. 1974, p. 140).

Utility Model Law (Law No. 123 of April 13, 1959, as amended to Law No. 96 of 1971) (I. P. 1974, p. 185).

2. Title(s) granted by the competent administration

The Patent Office grants patents for inventions and utility model registration certificates for devices relating to the shape or construction of articles or a combination of articles (Patent Law, Art. 28 and 29; Utility Model Law, Art. 3 and 50).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

(a) *Patents*: Any highly advanced creation of technical ideas by which a law of nature is utilized (Patent Law, Art. 2).

(b) *Utility model registrations*: Any creation of technical ideas by which a law of nature is utilized (Utility Model Law, Art. 2).

Novelty

An invention or device must not have been publicly known or publicly worked in Japan or described in a publication distributed in Japan or elsewhere, prior to the filing of the application for a patent or utility model registration (Patent Law, Art. 29(1); Utility Model Law, Art. 3(1)).

The novelty of an invention or device is destroyed by its disclosure in an earlier application for an identical invention or device which has been published or laid open for public inspection after the date of the later application unless either the applicant or the inventor in both the earlier and later application is the same person (Patent Law, Art. 29^{bis}; Utility Model Law, Art. 3^{bis}).

There is no loss of novelty if:

— the person who has the right to obtain a patent or utility model registration has carried out an experiment or presented a dissertation in a printed publication or a paper to a study meeting held by a scientific organization designated by the President of the Patent Office;

— the invention or device has been disclosed against the will of the person who has the right to obtain a patent or utility model registration;

— the invention or device has been shown at an official or officially recognized exhibition held in Japan or at an official or officially recognized international exhibition held abroad; provided that the person who has the right to obtain a patent or utility model registration files an application within six months from the date on which the invention or device was so published, known or worked. (Patent Law, Art. 30; Utility Model Law, Art. 9)

Inventive step

Where an invention could have been easily made, or a device could have been very easily made, prior to the filing of an application for a patent or for a utility model registration respectively, by a person who has ordinary skill in the art to which the invention or device pertains on the basis of what is publicly known or publicly worked in Japan prior to the filing date or what has been published in Japan or elsewhere prior to that date, a patent or utility model registration will not be granted (Patent Law, Art. 29(2); Utility Model Law, Art. 3(2)).

Industrial application

An invention or device must be industrially applicable (Patent Law, Art. 29(1); Utility Model Law, Art. 3(1)).

4. Non-patentable subject matter

(a) *Patents*: Food, drink or luxury goods; medicaments and processes for their manufacture by mixing two or more medicaments; substances manufactured by a chemical process; substances manufactured by nuclear transformation (Patent Law, Art. 32).

(b) *Utility model registrations*: No restrictions as regards technical fields.

5. Scope of disclosure (e. g. including best mode of using invention)

The application must be accompanied by a specification, and drawings if necessary, containing a detailed explanation of the invention or device stating its purpose, constitution and effect in such a manner that it may easily be carried out by a person having ordinary skill in the art to which it pertains; a claim must state only the indispensable constituent features of the invention or device as described in the detailed explanation (Patent Law, Art. 36; Utility Model Law, Art. 5).

6. Search and examination by the competent administration

Deferred examination as to substance (Patent Law, Art. 48^{bis} and 49; Utility Model Law, Art. 10^{bis} and 11). When an application has been filed, any person may, within seven years from the date thereof in the case of a patent application, or four years from the date thereof in the case of an application for a utility model registration, make a request for examination to the President of the Patent Office and such a request cannot be withdrawn; when a request for examination has not been made within the relevant time limit above, the application is regarded as having been withdrawn (Patent Law, Art. 43^{ter}; Utility Model Law, Art. 10^{ter}). The President of the Patent Office may order an examination of an application in preference to other applications when a person other than the applicant starts to work the invention or device after the laying open of the application for public inspection (Patent Law, Art. 48^{sexies}; Utility Model Law, Art. 13).

7. Publication of application and of grant of title; document(s) issued

Where no reason is found for refusing the application, it is published in the Patent Gazette or Utility Model Gazette; the particulars published include particulars of the specification and contents of the drawings; the file of the application is laid open for public inspection during two months from the date of the publication of the application (Patent Law, Art. 51; Utility Model Law, Art. 13). Any person may file an opposition to the grant of a patent or utility model registration within two months from the date of the publication of the application (Patent Law, Art. 55; Utility Model Law, Art. 13).

After 18 months from the filing date of an application, it is laid open for public inspection unless it has already been published; the laying-open is effected by publishing in the Patent Gazette or the Utility Model Gazette, *inter alia*, the particulars of the specification and the

contents of the drawings (Patent Law, Art. 65^{bis}; Utility Model Law, Art. 13^{bis}).

A copy of any entry in the Patent Register and the Utility Model Register may be supplied to any interested person (Patent Law, Art. 186; Utility Model Law, Art. 55(4)).

8. Rights of others derived from prior manufacture or use

Any person who, prior to the filing date of the application, has, in good faith, started working or has made preparations for working the invention or utility model claimed in the application, has a non-exclusive license on the right under the application; the license is limited to the invention or device which is being worked, or for which preparations for working are being made, and to the purpose of such working or the preparations therefor (Patent Law, Art. 79; Utility Model Law, Art. 26).

9. Duration

(a) *Patents*: Fifteen years from the date of publication of the application; the term cannot exceed 20 years from the filing date of the application (Patent Law, Art. 67(1)).

(b) *Utility model registrations*: Ten years from the date of publication of the application; the term cannot exceed 15 years from the filing date of the application (Utility Model Law, Art. 15(1)).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1899), Lisbon Act of 1958 (since 1965).

11. Treatment of foreign nationals and priority rights

National treatment under international conventions or if reciprocity is granted (Patent Law, Art. 25; Utility Model Law, Art. 55(3)).

Natural persons or legal entities not having their residence or an establishment in Japan must appoint an agent in Japan (Patent Law, Art. 8; Utility Model Law, Art. 55(2)). Priority right under Paris Convention (Patent Law, Art. 43; Utility Model Law, Art. 9(1)).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

If a patented invention or registered utility model has not been sufficiently and continuously worked during a period of three years or more in Japan, and if four years have elapsed since the filing date of the application, any person who intends to work the invention or utility model may request the owner or the exclusive licensee to hold consultations on the grant of a non-exclusive license; if no agreement is reached or no consultation is possible, the person who intends to work the invention or utility model may ask the President of the Patent Office for an arbitration decision (Patent Law, Art. 83; Utility Model Law, Art. 21). The President of the Patent Office must hear the opinion of the Industrial Property Council before giving a decision; no license may be ordered if there is a legitimate reason for non-working (Patent Law, Art. 85; Utility Model Law, Art. 21(3)).

Such non-exclusive licenses can only be transferred with the business in which they are worked (Patent Law, Art. 94(3); Utility Model Law, Art. 24(3)).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

When the working of a patented invention or registered utility model is particularly necessary in the public interest, a person who intends to work the invention or utility model may ask the owner or the exclusive licensee to hold consultations on the grant of a non-exclusive license; if no agreement is reached or no consultation is possible, the person who intends to work the invention or utility model may ask the Minister of International Trade and Industry for an arbitration decision; the opinion of the Industrial Property Council must be heard before a

decision is given (Patent Law, Art. 93; Utility Model Law, Art. 23). When the working of a patented invention or registered utility model would require the use of another's patented invention or registered utility model for which an application has been filed prior to the application concerned, the owner or exclusive licensee may request the other owner to hold consultations for the grant of a non-exclusive license; if no agreement is reached or no consultation is possible, the owner or exclusive licensee may ask the President of the Patent Office for an arbitration decision; the President must hear the opinion of the Industrial Property Council before giving a decision (Patent Law, Art. 92; Utility Model Law, Art. 22).

Jordan

1. Official title and date of current legislation

Patents and Designs Law (No. 22 of 1953) (Sec. 1 to 29, 38 to 56).
Patents and Designs Order (No. 1 of 1953).

2. Title(s) granted by the competent administration

The Ministry of National Economy (Registrar of Patents, Designs and Trade Marks) grants patents for inventions (Law, Sec. 2 and 3).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any new product or commercial commodity, or the new application of any means already discovered, known or used for any purpose of industry or manufacture (Law, Sec. 2).

Novelty

The invention must not have been made available to the public by publication in any document published in Jordan prior to the application or claimed in any specification of a local patent which is, or will be, of prior date to the patent applied for, or publicly manufactured, used or sold in Jordan before the date of the patent (Law, Sec. 11(1)(b) and (d) and 23(2)(b)(iii)).

Display in an industrial or international exhibition or communication of the invention by the inventor to a learned society is no obstacle to the grant of a patent, provided that prior notice is given to the Registrar and the application for the patent is made within six months of the opening of the exhibition or the communication by the inventor (Law, Sec. 21). A patent is not invalid by reason only of the fact that the invention has been published prior to the date of the patent, if the matter published was derived or obtained from the patentee and publication was made without his knowledge and consent, provided that the patentee applies for the patent with all reasonable diligence after learning of the publication (Law, Sec. 26).

Industrial application

The invention must be applicable for any purpose of industry or manufacture (Law, Sec. 2).

4. Non-patentable subject matter

The Minister of Commerce may direct that no patent shall issue for inventions concerning instruments or munitions of war (Law, Sec. 9).

5. Scope of disclosure (e. g. including best mode of using invention)

The application must include a specification which particularly describes the nature of the invention and the manner in which it is to be performed; the specification must end with a distinct statement of the invention claimed (Law, Sec. 6(1)).

The Registrar may require suitable drawings or, in case of chemical inventions, typical samples and specimens to be supplied before acceptance of the application (Law, Sec. 6(2)).

6. Search and examination by the competent administration

Examination as to form (Law, Sec. 7(1)). At the discretion of the Registrar, there is an examination covering prior patents and applications (Law, Sec. 8(2)).

7. Publication of application and of grant of title; document(s) issued

The Registrar advertises acceptance of the application; the application, with drawings if any, is then laid open for public inspection (Law, Sec. 10(2)).

Opposition may be filed with the Registrar within two months from the advertisement of the acceptance of the application (Law, Sec. 11(1)).

The Registrar may at any time publish, in the official journal or in any other journal prescribed, a description and particulars of any patented invention at the cost of the patentee (Law, Sec. 29).

The register of patents is open to public inspection and copies of any entry are given to any applicant on payment of prescribed fees (Law, Sec. 39).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

Sixteen years from the application date (Law, Sec. 15(1) and 13).

10. Relevant multilateral conventions

WIPO Convention of 1967 (since 1972); Paris Convention of 1883 (since 1972), Stockholm Act of 1967 (since 1972).

11. Treatment of foreign nationals and priority rights

National treatment. Priority right under international conventions (Law, Sec. 50(1)).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

After three years from the grant of a patent any interested person may petition the Registrar for the grant of a compulsory license or for the revocation of the patent if, by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms a patented article, any trade or industry or the establishment of any new trade or industry in Jordan is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met (Law, Sec. 22(1), (3) and (5)(a)).

If the parties cannot agree, the Registrar may refer the petition to the court, which may order the grant of a compulsory license on such terms as the court considers just, or it may order the revocation of the patent if the court considers that the reasonable requirements of the public cannot otherwise be satisfied (Law, Sec. 22(2) and (3)).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

The same sanctions, after the same period, as are referred to in 13 apply if any trade or industry in Jordan is unfairly prejudiced by conditions attached by the patentee to the purchase or use of a patented article or to the working of the patented process (Law, Sec. 22(5)(b)). Any Ministry may make use of any patent on such terms as may be agreed upon between the Ministry and the patentee with the approval of the Minister of Finance or, in default of agreement, as may be fixed by the Minister of Justice or a referee nominated by him (Law, Sec. 38).

Kenya

1. Official title and date of current legislation

Patents Registration Act (Cap. 508) (and the Patents Registration Rules), as amended by Legal Notice 374 of 1964 (Act) and Legal Notice 134 of 1966 (Rules).

2. Title(s) granted by the competent administration

The Registry of Patents issues certificates of registration (Act, Sec. 6 and 2(1)).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

A certificate of registration may be granted for any invention already patented in the United Kingdom (Act, Sec. 4).

The registration of a patent must be requested within three years from the grant in the United Kingdom (Act, Sec. 4). Manufacture, use or sale of the invention in Kenya before the priority date applicable to a patent in the United Kingdom is a ground for declaring void the certificate of registration (Act, Sec. 9(2)(b)).

4. Non-patentable subject matter

See United Kingdom law (June 1974 issue).

5. Scope of disclosure (e. g. including best mode of using invention)

An application for a certificate of registration must be accompanied by a copy of the specification, including drawings, if any, of the patent granted in the United Kingdom (Act, Sec. 5).

6. Search and examination by the competent administration

No provision in the legislation referred to under 1.

7. Publication of application and of grant of title; document(s) issued

Notice of registration is published in the Gazette (Rules, Sec. 21(1)). The Register is open to inspection by the public and copies of any entry therein are obtainable on payment of the prescribed fees (Act, Sec. 16).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

Privileges and rights under a certificate of registration date from the date of the patent in the United Kingdom and are in force only so long as the patent remains in force in the United Kingdom; provided that any action for infringement in respect of any manufacture, use and sale of the invention prior to the issue of the certificate of registration in Kenya is excluded (Act, Sec. 8).

10. Relevant multilateral conventions

WIPO Convention of 1967 (since 1971); Paris Convention of 1883 (since 1965), Stockholm Act of 1967 (since 1971).

11. Treatment of foreign nationals and priority rights

National treatment. Priority right for United Kingdom patentees (Act, Sec. 9(2)(b)) (see 3).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

See 14.

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

Whenever a patent might be revoked under the law in force in the United Kingdom, a court may declare that no rights and privileges conferred by its registration have been acquired in Kenya (Act, Sec. 9(2)(a)).

Kuwait**1. Official title and date of current legislation**

Law relating to Patents and Industrial Designs (No. 4 of 1962) (Art. 1 to 34, 46 to 55) (I. P. 1962, p. 259).

Patents and Industrial Designs Regulations (No. 15 of 1965).

2. Title(s) granted by the competent administration

The Ministry of Commerce and Industry, Industrial Affairs Department, grants patents for inventions (Law, Art. 1).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

Any innovation capable of being worked industrially, whether connected with new industrial products, processes or means, or with the new application of known industrial processes or means (Law, Art. 1).

Novelty

An invention is not considered to be new if, during the 20 years preceding the date of the application:

— it has been publicly used in Kuwait, or its description or design has been advertised in publications in Kuwait, in such a manner as to enable experts to carry it out;

— a patent has been granted to, or an application for a patent has been made by, persons other than the inventor or his assignee, in respect of the same invention.

(Law, Art. 3)

Industrial application

The invention must be capable of being worked industrially (Law, Art. 1).

4. Non-patentable subject matter

Chemical discoveries connected with food, medicinal drugs or pharmaceutical compositions, unless such products are produced by special chemical methods or processes, in which case patents are granted for the processes of manufacture (Law, Art. 2(2)).

5. Scope of disclosure (e. g. including best mode of using invention)

The application must be accompanied by a detailed specification of the invention and of the manner in which it is to be performed, with drawings where necessary (Law, Art. 16). The specification and drawings must permit the invention to be carried out by industrialists (Law, Art. 18(2)). The features of novelty for which protection is claimed must be stated clearly and precisely in the application (Law, Art. 18(3)).

6. Search and examination by the competent administration

Examination as to form (Law, Art. 18).

7. Publication of application and of grant of title; document(s) issued

The application is advertised if it complies with the formal requirements (Law, Art. 20).

Opposition to the grant of a patent may be filed by any interested person (Law, Art. 21).

The grant of the patent is advertised (Law, Art. 23).

8. Rights of others derived from prior manufacture or use

Rights created by a patent are not enforceable against a person who, before the application, had in good faith been industrially working the invention or making the necessary efforts for working it; the right of such person may not be assigned independently of his establishment (Law, Art. 11).

9. Duration

Fifteen years from the date of the application, with renewal for a further period not exceeding five years provided that the invention is of

special importance and no return commensurate with the efforts and expenses of the patentee has been derived from the patent (Law, Art. 12(1)).

Ten years for patents for processes for the manufacture of food, medicinal drugs and pharmaceutical preparations, not renewable (Law, Art. 12(3)).

10. Relevant multilateral conventions

None.

11. Treatment of foreign nationals and priority rights

Foreigners resident in Kuwait and foreigners who are nationals of countries according Kuwait reciprocity of treatment, or who reside or have real premises in such countries, may apply for patents (Law, Art. 5). Priority right if reciprocity is granted (Law, Art. 50).

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

A compulsory license may be granted to any applicant who is capable of working the invention seriously, and in favor of whom the patentee has refused to concede the right of working or has stipulated exorbitant pecuniary terms with regard to such right, if:

- the invention is not worked in Kuwait within three years from the date of the grant of the patent;
- the patent owner fails to work the invention fully to satisfy the needs of the country;
- the working of the invention ceases for at least two consecutive years.

The patentee is entitled to a suitable compensation. (Law, Art. 29)

If the failure to work the invention is due to causes beyond the control of the patentee, he may be granted a further period, not exceeding two years, for the effective working of the invention (Law, Art. 30).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

If the working of the invention is of great importance to national industry, and such working necessitates the utilization of another patented invention, a compulsory license under the earlier patent may be granted; the owner of the earlier patent may obtain a compulsory license under the later patent, if his invention is of greater importance (Law, Art. 31(1)).

By order of the Minister, inventions may be expropriated for reasons relating to the public interest or national defense, subject to the payment of a fair compensation (Law, Art. 32).

Lebanon

1. Official title and date of current legislation

Decree H. C. No. 2385 of January 17, 1924, Regulating the Rights of Commercial, Industrial, Artistic, Literary and Musical Property, as amended by the Law of January 31, 1946 (P. I. 1924, p. 153; 1926, p. 121; 1938, p. 119; 1939, p. 3; 1941, p. 46, 65 and 80).

2. Title(s) granted by the competent administration

The Office for the Protection of Commercial and Industrial Property grants patents for inventions (Art. 1 and 5).

3. Criteria of patentability (novelty, inventive step, industrial application, progress)

New industrial products, new processes for obtaining known industrial products or industrial results and new applications of known industrial processes (Art. 2).

Novelty

An invention must not have received, either in Lebanon or abroad, publicity permitting its application; an exception is made for inventions which have obtained registration certificates for display at exhibitions, subject to international conventions that are applicable to Lebanon (Art. 44 and 91).

Industrial application

A patent is null and void if it relates to purely theoretical or scientific methods or systems without clear industrial application (Art. 43(3)).

4. Non-patentable subject matter

Financial combinations and pharmaceutical formulae and compositions (Art. 3).

5. Scope of disclosure (e. g. including best mode of using invention)

The application must be accompanied by a description of the invention, with drawings and plans necessary for the comprehension of the invention and sufficient to enable the invention to be put into practice (Art. 6 and 43(5)).

6. Search and examination by the competent administration

Examination as to form (Art. 18). Patents are granted without guarantee as to the reality, merits or novelty of the invention, or as to the fidelity or accuracy of the description (Art. 14).

7. Publication of application and of grant of title; document(s) issued

Patents are granted by the Minister in the form of an order (*arrêté*), to which are attached a copy of the description and plans and drawings; further copies are sent to the inventor or his successor in title on payment of a fee (Art. 15).

8. Rights of others derived from prior manufacture or use

No provision in the legislation referred to under 1.

9. Duration

Fifteen years from the recorded filing date (Art. 4).

10. Relevant multilateral conventions

Paris Convention of 1883 (since 1924), London Act of 1934 (since 1947).

11. Treatment of foreign nationals and priority rights

National treatment; foreign applicants must have a representative domiciled in Lebanon (Art. 5). Priority right under Paris Convention.

12. Invalid clauses in license agreements

No provision in the legislation referred to under 1.

13. Compulsory license, revocation or expropriation where the invention is not worked

A patentee who has not put his invention into practice within two years forfeits his rights, unless he proves that direct offers were made to industrialists capable of utilizing his invention and that he did not refuse, without justification, requests for licenses under reasonable conditions (Art. 46(2)).

14. Compulsory license, revocation or expropriation for reasons other than non-working of the invention

Unless otherwise provided by applicable international conventions, the patentee forfeits his rights if he imports articles similar to those protected by his patent (Art. 46(1)).

[The remainder of these Tables will be published in the June 1974 issue of this review]

- November 3 to 14, 1975 (Berne) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee
December 1 to 12, 1975 (Munich) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee
December 8, 9 and 16, 1975 (Geneva) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee — Ordinary Session (jointly organized with the International Labour Organisation and Unesco)
December 10 to 16, 1975 (Geneva) — Executive Committee of the Berne Union (Extraordinary Session)
December 11 to 13, 1975 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)

UPOV Meetings

- October 21 to 23, 1974 (Geneva) — Meeting of Member and Non-Member States
October 23, 1974 (Geneva) — Consultative Working Committee
October 24 to 26, 1974 (Geneva) — Council
November 5 and 6, 1975 (Geneva) — Technical Steering Committee
November 7, 1974 (Geneva) — Working Group on Centralized Examination

Meetings of Other International Organizations concerned with Intellectual Property

- June 19 to 21, 1974 (Rijswijk) — International Patent Institute — Administrative Board
July 2 to 5, 1974 (Monte Carlo) — International Writers Guild — Congress
September 11 to 13, 1974 (Brussels) — International Patent Institute — Administrative Board
October 6 to 10, 1974 (Rome) — International League Against Unfair Competition — Congress
October 21 to 23, 1974 (Rijswijk) — International Patent Institute — Administrative Board
November 11 to 16, 1974 (Santiago) — Inter-American Association of Industrial Property — Congress
December 9 to 11, 1974 (Rijswijk) — International Patent Institute — Administrative Board
May 3 to 10, 1975 (San Francisco) — International Association for the Protection of Industrial Property — Congress
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