

CERTAIN ASPECTS OF NATIONAL/REGIONAL PATENT LAWS*

(4) Grace Period

| Country/Region | Grace Period |
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| Albania | <p>Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date (priority date) when the publication is made by:</p> <p>(a) the applicant or his predecessor in title ;</p> <p>(b) a third party who had obtained information from applicant or his predecessor in title;</p> <p>(c) an office and the information is found:</p> <p>(i) in another application filed by the applicant or his predecessor in title and which should not have been published by the office;</p> <p>(ii) in an application filed by a third party without the knowledge and the permission of the applicant or his predecessor in title, although the party received the information directly or indirectly from the applicant or his predecessor in title.</p> <p>(d) the applicant or his predecessor in title has displayed the invention at an official, or officially recognized, international exhibition. The applicant shall state when filing the patent application that the invention has been so displayed and shall file a supporting certificate within the time limit and under the conditions laid down in the Implementing Regulation.</p> |
| Algeria | <p>Disclosure within 12 months before the filing date (priority date) not considered accessible to the public, if due to:</p> <ol style="list-style-type: none"> 1. an act by the applicant or his predecessor in title, or 2. an abuse by a third party in relation to the applicant or his predecessor in title. |
| Andorra | <ol style="list-style-type: none"> 1. Disclosure not to be taken into account in determining patentability if it occurred within 6 months before the filing date (priority date): <p>(a) by the inventor or his successor in title;</p> <p>(b) of information in an application filed by the inventor which should not have been disclosed by the Office;</p> <p>(c) of information in an application filed, without the knowledge or consent of the inventor, by a person who obtained the information from the inventor;</p> <p>(d) a person who obtained the information from the inventor.</p> <ol style="list-style-type: none"> 2. The effect of the grace period may be invoked at any time. |
| Argentina | <ol style="list-style-type: none"> 1. Disclosure not to be taken into account in determining novelty if it occurred within one year before the filing date (priority date) by the inventor or his successor in title by: <p>(a) any medium of communication;</p> <p>(b) display at a national or international exhibition.</p> <ol style="list-style-type: none"> 2. The application shall be accompanied by documentary supporting evidence. |

* Information is gathered from the primary legislation (for example, a patent law of an intellectual property code). The secondary legislation, such as Regulations under the primary legislation, has not been consulted.

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| Armenia | <p>1. Disclosure not to be taken into account in determining patentability if it occurred within 12 months before the filing date (priority date) by:</p> <p>(a) the applicant or inventor;</p> <p>(b) any other person who obtained the information from the applicant or inventor.</p> <p>2. The burden of proof is on the applicant.</p> |
| Australia | <p>1. Disclosure not to be taken into consideration in determining novelty and inventive step if it occurred:</p> <p>(a) within six months before the filing of a provisional or basic application provided a complete application is filed within 12 months from filing of the provisional or basic application; or otherwise within 12 months before the filing of a complete application</p> <p>(i) by showing, use or publication of the invention at a recognized exhibition;</p> <p>(ii) in a paper written by the inventor and read before, or published with the inventor's consent by or on behalf of, a learned society;</p> <p>(b) within 12 months before the filing of a provisional or basic application provided a complete application is filed within 12 months from the filing of the provisional or basic application; or otherwise within 12 months before the filing of a complete application by working the invention in public for the purposes of reasonable trial due to the nature of the invention;</p> <p>(c) within 12 months before the filing of a complete application in Australia with the consent of the nominated person, patentee or predecessor in title or without consent and the information disclosed was derived from the patentee or predecessor in title;</p> <p>(d) at any time before the filing date, if the information disclosed was given by or with the consent of the patentee or predecessor in title, to the Commonwealth or a State or Territory, an authority thereof or person authorized thereby, to investigate the invention; and anything done for the purpose of such investigation.</p> <p>2. In the cases of 1.a.(i), the applicant shall:</p> <p>(a) when filing the application, state that the invention has been disclosed at the exhibition;</p> <p>(b) before the publication of the application, file a statement issued by the exhibition authority.</p> |
| Austria | <p>1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date:</p> <p>(a) due to an evident abuse in relation to the applicant or his legal predecessor;</p> <p>(b) by display of the invention by the applicant or his legal predecessor at an official or officially recognized exhibition.</p> <p>2. The applicant shall:</p> <p>(a) when filing the application, state that the invention has been displayed at the exhibition;</p> <p>(b) within four months after the filing date, file a certificate and a description of the invention attested by the exhibition management, and indicate the exhibition opening date and the date of the first disclosure.</p> |
| Azerbaijan | <p>1. Disclosure not to be taken into account in determining novelty if it occurred within 12 months before the filing date (priority date):</p> <p>(a) by the inventor;</p> <p>(b) any other person who obtained the information directly or indirectly from the inventor or applicant.</p> <p>2. The burden of proof is on the inventor or applicant.</p> |
| Bahrain | <p>Disclosure not to be taken into account in determining novelty and inventive step if it occurred:</p> <p>(a) by display of the invention at official or officially recognized international exhibitions, provided that the patent</p> |

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| Bahrain (cont'd) | application shall include all the details relating to such exhibition; (b) by an action by the applicant or with his authorization within 12 months before the filing date (priority date). |
| Barbados | Disclosure not to be taken into account in determining novelty and inventive step if it occurred within 12 months before the filing date (priority date): 1. by the applicant or his predecessor in title; 2. due to an abuse by a third party. |
| Belarus | 1. Disclosure not to be taken into account in determining patentability if it occurred within 12 months before the filing date by: (a) the applicant or inventor; (b) a person who obtained the information from the inventor or applicant. 2. The burden of proof is on the applicant. |
| Belgium | 1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to: (a) an evident abuse in relation to the applicant or his legal predecessor; (b) display of the invention by the applicant or his legal predecessor at an official or officially recognized international exhibition. 2. The applicant shall state in the application, at time of filing, that the invention has been so displayed, and file a certificate to that effect within a prescribed time limit. |
| Belize | Disclosure not to be taken into account in determining novelty and inventive step if it occurred within 12 months before the filing date (priority date): 1. by the applicant or his predecessor in title; 2. due to an abuse by a third party. |
| Bhutan | Disclosure to the public of the invention shall not be taken into consideration if it occurred within twelve months preceding the filing date or, where applicable, the priority date of the application, and if it was by reason or in consequence of acts committed by the applicant or his predecessor in title or of an abuse committed by a third party with regard to the applicant or his predecessor in title. |
| Bolivia (Plurinational State of) | Disclosure not to be taken into account in determining patentability if it occurred within one year before the filing date (priority date) by: 1. the inventor or his successor in title; 2. an Office which incorrectly published the contents of the patent application filed by the inventor or his successor in title; 3. a person who obtained the information from the inventor or his successor in title. |
| Bosnia and Herzegovina | 1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to: (a) an evident abuse in relation to the patent applicant or his legal predecessor, or (b) display of the invention at an official or officially recognized international exhibition. 2. The applicant shall indicate in the application at time of filing that the invention has been so displayed, and submit a certificate within a prescribed time limit. |
| Brazil | 1. Disclosure not to be considered as part of the state of the art if it occurred within 12 months before the filing date |

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| Brazil (cont'd) | <p>(priority date):</p> <p>(a) by the inventor;</p> <p>(b) publication by the Office of a patent application based on information obtained from the inventor and filed without his consent;</p> <p>(c) by another person based on information obtained from the inventor.</p> <p>2. The Office may require a statement relating to the disclosure, possibly accompanied by proof.</p> |
| Bulgaria | <p>1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date (priority date) in consequence of:</p> <p>(a) an evident abuse in relation to the applicant or his legal predecessor;</p> <p>(b) display of the invention by the applicant or his legal predecessor at a official or officially recognized international exhibition.</p> <p>2. The applicant shall indicate in the application at the time of filing that the invention has been so displayed, and submit evidence within three months from the filing date.</p> |
| Canada | <p>Disclosure not to be taken into consideration in determining novelty and inventive step if it occurred within one year before the filing date by the applicant, or by a person who obtained knowledge from the applicant.</p> |
| Chile | <p>Disclosure not to be taken into account in determining novelty if it occurred within twelve months before the filing date in consequence of :</p> <p>1. acts done, authorized or derived from the applicant, or;</p> <p>2. abuse and unfair practices in relation to the applicant or his predecessor in title.</p> |
| China | <p>Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date by:</p> <p>1. display of the invention at an international exhibition sponsored or recognized by the Chinese Government;</p> <p>2. making the invention public at a prescribed academic or technological meeting;</p> <p>3. any person without the consent of the applicant.</p> |
| Hong Kong China | <p>Disclosure of the invention not to be taken into consideration if it occurred no earlier than 6 months before the filing date due to:</p> <p>1. an evident abuse in relation to the applicant or any proprietor of the invention for the time being; or</p> <p>2. the fact that the applicant or any proprietor of the invention for the time being has displayed the invention at a prescribed exhibition or meeting.</p> |
| Colombia | <p>Disclosure not to be taken into account in determining patentability if it occurred within one year before the filing date (priority date) by:</p> <p>1. the inventor or his successor in title;</p> <p>2. an Office which incorrectly published the contents of the patent application filed by the inventor or his successor in title;</p> <p>3. a third party who obtained the information from the inventor or his successor in title.</p> |
| Costa Rica | <p>The state of the art does not include disclosure of an invention within one year before the filing date (priority date) resulting from:</p> <p>1. acts done directly or indirectly by the inventor or his successor in title; or</p> <p>2. non-performance of a contract or illicit acts against any of them.</p> <p>The disclosure resulting from a publication made by an industrial property Office in the process of granting a patent shall</p> |

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| | be included in the state of the art, except for the case of a patent applicant, or when the application in question has been filed by a person who did not have the right to obtain the patent or when the publication has been made unlawfully. |
| Croatia | <p>1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to:</p> <p>(a) an evident abuse in relation to the patent applicant or his predecessor in title;</p> <p>(b) display of the invention at an official or officially recognized international exhibition.</p> <p>2. The applicant shall indicate in the application at time of filing that the invention has been so displayed, and submit a certificate within four months from the filing date.</p> |
| Cyprus | No provision. |
| Czech Republic | <p>1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to:</p> <p>(a) an evident abuse in relation to the applicant or his legal predecessor,</p> <p>(b) display of the invention by the applicant or his legal predecessor at an official or officially-recognized international exhibition.</p> <p>2. The applicant shall indicate in the application at time of filing that the invention has been so displayed, and submit a certificate within four months from the filing date.</p> |
| Denmark | <p>Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date in consequence of</p> <p>1. evident abuse in relation to the applicant or his predecessor in title,</p> <p>2. display of the invention by the applicant or his predecessor in title at an official or officially recognized international exhibition.</p> |
| Dominica | <p>Disclosure not to be taken into account in determining novelty and inventive step if it occurred within 12 months before the filing date (priority date) due to:</p> <p>1. an abuse committed by a third party in relation to the applicant or his predecessor in title; or</p> <p>2. acts committed by the applicant or his predecessor in title.</p> |
| Dominican Republic | <p>Disclosure not to be taken into account in determining novelty and inventive step if it occurred within 12 months before the filing date due to:</p> <p>1. acts committed by the inventor or his successor in title;</p> <p>2. breach of trust, non-compliance with a contract or illicit act against the inventor or successor in title;</p> <p>3. application was filed by a person not entitled to a patent, or where there was undue publication.</p> |
| Ecuador | <p>Disclosure not to be taken into account in determining patentability if it occurred within one year before the filing date (priority date) by:</p> <p>1. the inventor or his successor in title;</p> <p>2. an Office which incorrectly published the contents of the patent application filed by the inventor or his successor in title;</p> <p>3. a person who obtained the information from the inventor or his successor in title;</p> <p>4. an official order;</p> <p>5. a manifest abuse to the detriment of the inventor or his successor in title;</p> <p>6. an officially recognized exhibition or publication of academic or research purposes. In that case the person concerned shall, on filing his application, submit a declaration stating that the invention actually was shown, together with the</p> |

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| | appropriate certificate. |
| Egypt | Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date by the display of the invention in a national or international exhibition. |
| El Salvador | Disclosure not to be taken into account in determining novelty if it occurred within one year before the filing date (priority date): 1. by the inventor or his successor in title; 2. due to an abuse of confidence, breach of contract or other unlawful act against the inventor or his successor in title. |
| Estonia | Disclosure not to be taken into account in determining novelty and inventive step if it occurred within one year before the filing date (priority date) by: 1. the applicant or his predecessor in title; 2. a person who obtained information from the applicant or his predecessor in title. |
| Finland | Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date due to: 1. an evident abuse in relation to the applicant or his predecessor in title; 2. display of the invention at an official or officially recognized international exhibition. |
| France | 1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to: (a) an evident abuse in relation to the applicant or his predecessor in title; (b) display of the invention by the applicant or his predecessor in title at an official or officially recognized international exhibition. 2. The applicant shall declare at the time of filing that the invention has been so displayed, and furnish proof to that effect within a prescribed time limit. |
| Georgia | Disclosure not to be taken into account in determining patentability if it occurred within 12 months before the filing date (priority date): (a) by action of an inventor or his/her successor in title; (b) if information for the third party is disclosed, directly or indirectly, on the condition of confidentiality; (c) as a result of third person's action in bad faith against the inventor or his/her successor. |
| Germany | 1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to: (a) an evident abuse in relation to the applicant or his predecessor in title; (b) display of the invention by the applicant or his predecessor in title at an official or officially recognized international exhibition notified in the Federal Law Gazette. 2. The applicant shall state when filing the application that the invention has been so displayed, and file a certificate within four months. |
| Ghana | Disclosure not to be taken into account in determining novelty if it occurred within 12 months before the filing date (priority date). |
| Greece | 1. Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date due to: (a) an evident abuse of the rights of the applicant or predecessor in title; (b) display of the invention at an officially recognized international exhibition. |

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| | 2. The applicant shall state when filing the application that the invention has been so displayed, and shall file a certificate. |
| Guatemala | <p>The state of the art does not include disclosure of an invention within one year before the filing date (priority date) resulting from:</p> <ol style="list-style-type: none"> 1. acts performed directly or indirectly by the inventor or right holder or a breach of contract by a third party or an unlawful act against any of them; 2. publication of applications by an industrial property Office abroad; 3. publication of the application in the patent granting process where the patent was filed by a person who was not entitled to that patent or the applications were published as a result of an error by the Office. |
| Honduras | <p>The state of the art does not include disclosure within one year before the filing date (priority date); as a result, the patent application shall not be refused, invalidated or cancelled owing to occurrences in the interim from:</p> <ol style="list-style-type: none"> 1. acts carried out by the applicant himself or by a third party; 2. abuse, non-performance of a contract or illicit acts against the applicant or his assignee; 3. publication of applications by other industrial property offices. |
| Hungary | <p>Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date (priority date) due to:</p> <ol style="list-style-type: none"> 1. an abuse of the rights of the applicant or his predecessor in title; 2. display of the invention by the applicant or his predecessor in title at an exhibition specified in the announcement by the President of the Hungarian Intellectual Property Office published in the Official Gazette. |
| Iceland | <p>Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date due to:</p> <ol style="list-style-type: none"> 1. an evident abuse in relation to the applicant or his predecessor in title; 2. display of the invention by the applicant or his predecessor in title at an official or officially organized exhibition. |
| India | <p>An invention shall not be deemed to have been anticipated by:</p> <ol style="list-style-type: none"> 1. Disclosures at any time before the filing date (priority date) of matter obtained from, and published without the consent of, the inventor or his successor in title (provided that the invention was not commercially worked in India, otherwise than for the purpose of reasonable trial, and that a patent application for the invention was filed in India or a convention country as soon as reasonably practicable thereafter). 2. Other applications made in contravention of the rights of the inventors or his successor in title or public use or publication of the invention without the consent of the inventor or his successor in title by the applicants of such other applications or by any other person in consequence of the disclosure. 3. Disclosures due to the communication of the invention to the Government or to any person authorized by the Government to investigate the invention or its merits, or for the purpose of that investigation. 4. Disclosures within 12 months before the application is made (calculated from the opening of the exhibition or the reading or publication of the paper) by: <ol style="list-style-type: none"> (a) display or use of the invention with the consent of the inventor or his predecessor in title at an industrial or other exhibition notified in the Official Gazette; (b) publication of the invention in consequence of such display or use; (c) use of the invention during the period of the exhibition without the consent of the inventor or his predecessor in title; |

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| India (cont'd) | <p>(d) description of the invention in a paper read by the inventor before a learned society, or published with his consent in the transactions of such a society.</p> <p>5. Disclosures within one year before the filing date (priority date) by public working the invention for reasonable trial, by or with the consent of the applicant or his predecessor in title.</p> <p>6. Publication of invention anywhere in the world or use of the invention in India at any time after the filing of the provisional specification or complete specification which is treated as provisional specification by virtue of a direction under sub-section (3) of section 9 of the Act.</p> |
| Indonesia | <p>1. Disclosure shall not be deemed to be announced if it occurred within six months before the filing date by:</p> <p>(a) display of the invention at an official or officially recognized international exhibition, or in an official or officially recognized national exhibition in Indonesia;</p> <p>(b) use in Indonesia by the inventor for research or development.</p> <p>2. Disclosure shall not be deemed to be announced if it is occurred within 12 months before the filing date by any other person in breach of a confidentiality obligation.</p> |
| Ireland | <p>1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to:</p> <p>(a) a breach of confidence or agreement in relation to the invention;</p> <p>(b) the unlawful obtaining of information concerning the invention;</p> <p>(c) display of the invention by the applicant or his legal predecessor at an official or officially recognized international exhibition.</p> <p>2. The applicant shall state, when filing the application, that the invention has been so displayed, and file a certificate within a prescribed period.</p> <p>3. The Ministry may prescribe a period other than the six months and circumstances other than (a), (b), and (c) to give effect to any treaty or international conventions.</p> |
| Israel | <p>1. Disclosure not to be taken into account in determining patentability if it occurred at any time before the filing date of matter obtained from the applicant or his predecessor in title and published without his consent (provided that the patent application was filed within a reasonable time after the publication became known to the applicant).</p> <p>2. Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date (calculated from the exhibition opening date) by:</p> <p>(a) display of the invention by the applicant or his predecessor in title at an officially notified industrial or agricultural exhibition in Israel, or at a recognized exhibition in a Convention State;</p> <p>(b) publication by the applicant or his predecessor in title of a description of the invention at the time of a said exhibition;</p> <p>(c) use of the invention by the applicant or his predecessor in title at, and for the purposes, of the exhibition;</p> <p>(d) use of the invention at the time of the exhibition (either at the exhibition or outside it and with or without the applicant's consent).</p> <p>3. Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date (calculated from the date of the lecture or publication) by a lecture by the inventor before a scientific society, or by publication of the lecture in official transactions of the society, subject to prior notice to the Registrar.</p> |
| Italy | <p>Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date (priority date) due to:</p> |

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| | <ol style="list-style-type: none"> 1. an evident abuse to the prejudice of the applicant or his predecessor in title; 2. display of the invention at an official or officially recognized exhibition. |
| Japan | <ol style="list-style-type: none"> 1. Disclosure not to be taken into consideration in determining novelty and inventive step if it occurred within one year before the filing date: <ol style="list-style-type: none"> (a) against the will of the person having the right to obtain a patent; or (b) as a result of an act of the person having the right to obtain a patent (excluding the case in which it has been disclosed through the publication in the bulletin pertaining to inventions, utility models, designs or trademarks). 2. The applicant shall submit (in the case of 1 (b) above): <ol style="list-style-type: none"> (a) a written statement to that effect at the time of filing; and (b) proof, within 30 days of the filing date, that the disclosure was in respect of the invention. |
| Jordan | <p>Disclosure not to be taken into account in determining novelty if it occurred within 12 months before the filing date (priority date):</p> <ol style="list-style-type: none"> 1. by the applicant or his predecessor; 2. due to an abuse made by third parties against the applicant or his predecessor in title. |
| Kazakhstan | <p>Disclosure shall not be deemed as affecting the patentability of the invention, if the application for the invention was filed within six months after:</p> <ol style="list-style-type: none"> (a) such disclosure by the inventor (applicant) or any person having obtained the information directly or indirectly from them; (b) demonstration of an invention as an exhibit at an official or officially recognized international exhibition organized in the State party to the Paris Convention. |
| Kenya | <p>Disclosure not to be taken into account in determining novelty and inventive step if it occurred within 12 months before the filing date (priority date):</p> <ol style="list-style-type: none"> 1. by the applicant or his predecessor in title; 2. due to an evident abuse committed by a third party in relation to the applicant or his predecessor in title. |
| Kyrgyz Republic | <p>Disclosure of information relating to an invention by the author of the invention, applicant, or other person having received this information directly or indirectly from them, that made information on the essence of the invention public, shall not be a circumstance precluding the recognition of the patentability of the invention if it occurred no earlier than twelve months preceding the filing of the patent application or before the date of priority, if priority is claimed. The patentee must provide proof relating to facts which would support the application of the grace period rule.</p> |
| Latvia | <ol style="list-style-type: none"> 1. Disclosure not to be taken into account in determining patentability if it occurred within 12 months before the filing date (priority date): <ol style="list-style-type: none"> (a) the inventor or his successor in title; (b) due to incorrect disclosure by the Office of information in another application filed by the same inventor, and the Office was not permitted to disclose this information; (c) in an application filed, without the inventor's knowledge or permission, by a person who obtained the information from the inventor; (d) by a person who obtained the information from the inventor. 2. The effect of the grace period may be invoked at any time. In the event of a dispute, burden of proof is on applicant or patent owner. |
| Liechtenstein | <p>Disclosure within six months before the filing date (priority date) due to:</p> |

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| | 1. an obvious abuse in relation to the applicant or his predecessor in title; 2. display of the invention by the applicant or his predecessor in title at an official or officially recognized international exhibition. (in accordance with the agreements with Switzerland and the European Economic Area (EEA)) |
| Lithuania | Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date: (a) due to an abuse with respect to the inventor or his successor in title; (b) by display of the invention by the inventor or his successor in title at an official or officially recognized exhibition. The burden of proof is on the applicant. |
| Luxembourg | 1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to: (a) an evident abuse in relation to the applicant or his legal predecessor; (b) display of the invention by the applicant or his legal predecessor at an official or officially recognized international exhibition. 2. The applicant shall state when filing the application that the invention has been so displayed, and file a certificate within a prescribed period. |
| Madagascar | Disclosure not to be taken into account in determining novelty due to: 1. display of the invention by the applicant or his successors in title at an officially recognized exhibition in Madagascar, or in the Member States of the Paris Convention if it occurred within six months before the filing date (priority date), subject to the submission of a recognized certificate attesting the participation of the inventor or his successor in title in such exhibition during which the public was made aware of the object incorporating the patentable invention; 2. an obvious abuse in relation to the applicant or his predecessor in title. |
| Malaysia | Disclosure disregarded from the prior art if it occurred within one year before the filing date due to: 1. acts committed by the applicant or his predecessor in title; 2. an abuse of the rights of the applicant or his predecessor in title; 3. a pending application in UK as at the date of coming into force of the Act (Patents Act 291 of 1983). |
| Malta | Disclosure not to be taken into account in determining patentability if it occurred within 12 months before the filing date (priority date) by: 1. the inventor; 2. incorrect disclosure by an Office of information contained in another application filed by the applicant; 3. publication of an application filed, without the knowledge or consent of the inventor, by a person who obtained the information from the inventor; 4. a person who obtained the information from the inventor. |
| Mauritius | Disclosure not to be taken into account in determining novelty if it occurred within 12 months before the filing date (priority date): 1. by the applicant or his predecessor in title; 2. due to an abuse committed by a third party with regard to the applicant or his predecessor in title. |
| Mexico | 1. Disclosure of an invention shall not establish lack of novelty when, within the 12 months prior to the filing date (priority date), the inventor or the successor to his rights has made the invention known by any means of communication, by putting the invention into practice or by having displayed it at a national or international exhibition. 2. When the corresponding application is filed, the evidentiary documents shall be included. The publication of an |

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| Mexico (cont'd) | invention contained in a patent application or patent granted by a foreign office shall not be deemed to come within the scope of the previous paragraph. 3. When filing the application, the applicant must declare that the invention has been disclosed in accordance with the terms of paragraph 1 above. |
| Republic of Moldova | 1. Disclosure of an invention shall not to be taken into consideration if it occurred no earlier than six months preceding the filing date of the patent application and if it was due to, or in consequence of: (a) an evident abuse in relation to the applicant or his legal predecessor; (b) the fact that the applicant or his legal predecessor has displayed the invention at an international exhibition. An exhibition shall be considered international if it is officially organized, if producers of more states participate therein and if the information about such exhibition has correspondingly been made available to the public. |
| Mongolia | No provision. |
| Morocco | Disclosure of an invention shall not be taken into consideration in the following cases: 1. if it occurred within 12 months before the filing date and was undertaken, authorized or obtained from the applicant. 2. disclosure resulting from publication, after the filing date, of an earlier application due to an evident abuse with regard to the applicant or his predecessor in title. 3. display of the invention for the first time by the applicant or his predecessor in title at an official or officially recognized international exhibition held in the territory of one of the countries of the Paris Union. The applicant shall declare when filing the application that the invention has been so displayed. |
| Mozambique | 1. Disclosure not to be taken into account in determining novelty if it occurred within 12 months before the filing date (priority date): (a) by the inventor or his successor in title, to a scientific or professional institution or publication, or in official or officially recognized competition, exhibition or trade fair; (b) due to an obvious abuse against the inventor or his successor in title. 2. In the case of 1(a) above, the inventor shall, when filing the application, submit a written declaration that the invention was exhibited or disclosed, and provide evidence to that effect within three months after the filing date. |
| Netherlands | 1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to: (a) an evident abuse in relation to the applicant or his legal predecessor, or (b) display of the invention by the applicant or his legal predecessor at an official or officially recognized international exhibition. 2. The applicant shall state, when filing the application, that the invention has been so displayed, and submit proof within a prescribed period. |

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| New Zealand | <p>An invention shall not be deemed to have been anticipated by:</p> <ol style="list-style-type: none"> 1. Disclosure at any time before the filing date (priority date) of matter obtained the applicant or his predecessor in title and published without his consent, provided that: <ol style="list-style-type: none"> (a) where the applicant or his predecessor in title learned of the publication beforehand, the application or application in a convention country was filed as soon as reasonably practicable thereafter; and (b) the invention was not commercially worked in New Zealand before the filing date (priority date) by, or with the consent of, the applicant or his predecessor in title (other than for the purpose of reasonable trial). 2. Disclosure at any time before the filing date (priority date); <ol style="list-style-type: none"> (a) in any other application for a patent in respect of the same invention, contravening the rights of the applicant or his predecessor in title; (b) by use or publication of the invention without the consent of the applicant or his predecessor in title in consequence of any disclosure of the invention by the applicant for the other application. (c) by the communication of the invention to a Government Department or person authorized thereby to investigate the invention, or of anything done for that investigation. 3. Disclosure within six months before the filing date (priority date) (calculated from the opening of the exhibition or the reading or publication of the paper) by: <ol style="list-style-type: none"> (d) display or use of the invention with the consent of the inventor at a declared international or industrial exhibition; (e) publication of the invention in consequence of the display or use of the invention at such exhibition; (f) use of the invention during the period of the exhibition without the consent of the true and first inventor; (g) in a paper read by the inventor before a learned society or published with his consent in the transactions of such a society; (h) 4. Disclosure within one year before the filing date (priority date) by public working of the invention by, or with the consent of, the applicant or his predecessor in title for the purpose of reasonable trial. |
| Nicaragua | <p>Disclosure not to be considered as the state of the art if it occurred within one year before the filing date (priority date) due to:</p> <ol style="list-style-type: none"> 1. publication of a patent application due to an error on the part of the Office; 2. publication of a patent application filed by a person not entitled to the grant of a patent; 3. acts, other than filing a patent application, by the inventor or his successor in title; 4. acts committed in breach of contract or unlawfully against the inventor or his successor in title. |
| Nigeria | <p>Disclosure not to be deemed to have been made available to the public if it occurred within six months before the filing date by display of the invention by the inventor or his successor in title at an official or officially recognized international exhibition.</p> |
| Norway | <p>Disclosure not to be taken into account in determining novelty and inventive step if it occurred within six months before the filing date due to:</p> <ol style="list-style-type: none"> 1. an evident abuse in relation to the applicant or his predecessor in title; 2. display of the invention by the applicant or his predecessor in title at an official or officially recognized international exhibition as described in the Convention Relating to International Exhibitions of 22 November 1928, as last amended on 24 June 1982. |
| Oman | <p>Disclosure not to be taken into account if it occurred within 12 months before the filing date (priority date):</p> |

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| | <ol style="list-style-type: none"> 1. by reason or in consequence of acts committed by the applicant or his predecessor in title; 2. due to an abuse committed by a third party with regard to the applicant or his predecessor in title. |
| Pakistan | <p>Disclosure not to be taken into account in determining novelty if it occurred within 12 months before the filing date due to display of the invention at an official or officially recognized international exhibition. If later on, the right of priority is invoked, then the period shall start from the date of introduction of the article into the exhibition. The controller may require proof, with such documentary evidence as considered necessary, of the identity of the article exhibited and the date of its introduction into the exhibition.</p> |
| Panama | <p>Disclosure not to be taken into account in determining patentability if it occurred within 12 months before the filing date (priority date) due to:</p> <ol style="list-style-type: none"> 1. publication of an application filed by a person not entitled to the grant of a patent; 2. publication of an application due to an error on the part of the Office. 3. an act engaged in by, or committed in breach of trust or contract or unlawfully against, the inventor or his successor in title. |
| Papua New Guinea | <p>Disclosure not to be taken into account in determining prior art if it occurred within 12 months before the filing date (priority date):</p> <ol style="list-style-type: none"> 1. by the applicant or his predecessor in title; 2. due to an abuse committed with regard to the applicant or his predecessor in title. |
| Paraguay | <p>The state of the art does not include disclosure of an invention within 12 months before the filing date (priority date) resulting from:</p> <ol style="list-style-type: none"> 1. acts done directly or indirectly by the inventor or his successor in title; or 2. non-performance of a contract or illicit acts against any of them; 3. publication by the Patent Office of a patent application based on information obtained from the inventor and filed without his consent; 4. publication of a patent application due to an error on the part of the Office. |
| Peru | <p>Disclosure not to be taken into account in determining patentability if it occurred within one year before the filing date in the member country [of the Cartagena Agreement]:</p> <ol style="list-style-type: none"> 1. by the inventor or his successor in title; 2. due to incorrect publication by an Office of a patent application filed by the inventor or his successor in title; 3. by a person who obtained the information from the inventor or his successor in title. |
| Philippines | <p>The disclosure of information contained in the application during the twelve (12) months preceding the filing date or the priority date of the application shall not prejudice the applicant on the ground of lack of novelty if such disclosure was made by:</p> <ol style="list-style-type: none"> a. The inventor; b. A patent office and the information was contained (a) in another application filed by the inventor and should not have been disclosed by the office, or (b) in an application filed without the knowledge or consent of the inventor by a third party which obtained the information directly or indirectly from the inventor; or c. A third party which obtained the information directly or indirectly from the inventor. <p>"Inventor" also means any person who, at the filing date of application, had the right to the patent.</p> |

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| Poland | <p>Disclosure not to be taken into account in determining novelty if it occurred no earlier than six months preceding the filing of the patent application and if it was due to:</p> <ol style="list-style-type: none"> 1. evident abuse in relation to the applicant or his predecessor in title; 2. display of the invention by the applicant or his predecessor in title on the territory of the Republic of Poland or elsewhere in the world, at an official or officially recognized international exhibition. |
| Portugal | <ol style="list-style-type: none"> 1. Disclosure in official or officially recognised exhibitions falling within the terms of the Convention of International Exhibitions if the application for the patent is filed in Portugal within six months; 2. Disclosure resulting from evident abuse of any kind in relation to the inventor or his successor in title or publications made unduly by the National Industrial Property Institute (INPI); 3. Paragraph 1. above shall only apply if the applicant proves, within one month as of the date of filing the patent application, that the invention was actually displayed or disclosed as set forth in said paragraph and submits a certificate issued by the body in charge of the exhibition indicating the date on which the invention was first displayed or disclosed at the exhibition and the name of the invention in question. . |
| Republic of Korea | <ol style="list-style-type: none"> 1. Disclosure not to be taken into account in determining novelty and inventive step if it occurred within twelve months before the filing date: <ol style="list-style-type: none"> (a) by the person with the right to obtain a patent (excluding the disclosure made by a national or foreign Office according to legislations or international treaties); (b) contrary to the intention of the person with the right to obtain a patent. 2. In the case of 1(a) above, the applicant shall state the intention to have 1(a) above applied in the application and, within 30 days from the filing date, a document proving the relevant facts. 3. Regardless of 2 above, where the applicant pays complement fees, it is allowed to submit a document stating the intention to have 1(a) above applied or another document to prove relevant facts within one of the following periods. <ol style="list-style-type: none"> (a) Period of amendment. (b) From the receiving date of a copy of a decision of allowance or a trial decision to cancel a decision of refusal (limited to trial decision which decided registration) to the earlier date of 3 months after the receiving date or the date to obtain registration of establishment of the patent right. |
| Romania | <p>Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date:</p> <ol style="list-style-type: none"> (a) due to an evident abuse in relation to the applicant or his legal predecessor; (b) by display of the invention by the applicant or his legal predecessor at an official or officially recognized exhibition. <p>The applicant shall:</p> <ol style="list-style-type: none"> (a) when filing the application, state that the invention has been displayed at the exhibition; (b) within four months after the filing date, file a certificate and a description of the invention attested by the exhibition management, and indicate the exhibition opening date and the date of the first disclosure. |
| Russian Federation | <ol style="list-style-type: none"> 1. Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date by: <ol style="list-style-type: none"> (a) the inventor or applicant; (b) a person who obtained information from the inventor or applicant. 2. The burden of proof is on the applicant. |
| Saint Lucia | No provision. |

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| Saudi Arabia | <p>Cases of disclosure of inventions and industrial designs which are not considered as part of the previous state of technology shall be as follows:</p> <ol style="list-style-type: none"> 1. If the disclosure occurred in the last six months preceding the date of filing the application or the date of the priority claim due to arbitrary acts against the applicant or his predecessor. 2. If the disclosure occurred as a result of displaying it in an officially recognized international exhibition in one of the countries of the Paris Union during the year preceding the filing of the application for the patent. |
| Serbia | <ol style="list-style-type: none"> 1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to: <ol style="list-style-type: none"> (a) an evident abuse in relation to the applicant or his legal predecessor; (b) display of the invention by the applicant or his legal predecessor at an officially recognized exhibition. 2. The applicant shall state, when filing the application, that the invention has been so exhibited, and shall file a certificate within four months of the filing date. |
| Singapore | <p>Disclosure not to be taken into account in determining novelty if it occurred within 12 months before the filing date due to:</p> <ol style="list-style-type: none"> 1. matter directly or indirectly obtained unlawfully or in breach of confidence from the inventor; 2. display of the invention by the inventor displaying at an international exhibition; 3. a description of the invention in a paper read by, or with the consent of, the inventor before a learned society, or published with his consent in the transactions of a learned society. <p>Disclosure not to be taken into account in determining novelty in relation to the applications that are:</p> <ol style="list-style-type: none"> 1. filed without the consent of the inventor or by a person who obtained the matter directly or indirectly from the inventor; and 2. erroneously published. |
| Slovak Republic | <ol style="list-style-type: none"> 1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to: <ol style="list-style-type: none"> (a) an evident abuse in relation to the applicant or his legal predecessor; (b) display of the invention by the applicant or his legal predecessor at an official or officially-recognized international exhibition. 2. The applicant shall declare, when filing the application, that the invention has been so exhibited, and shall file a certificate to that effect within four months of the filing date. |
| Slovenia | <p>Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to, or in consequence of:</p> <ol style="list-style-type: none"> 1. an evident abuse in relation to the applicant or his legal predecessor; 2. the fact that the applicant or his legal predecessor has displayed the invention at an official, or officially recognized, international exhibition. <p>The applicant shall state, when filing the application, that the invention has been so displayed and shall file a supporting certificate.</p> |
| South Africa | <p>Disclosure not to be taken into account in determining patentability if it occurred any time before the filing date (priority date) due to:</p> <ol style="list-style-type: none"> 1. knowledge or matter obtained from the applicant or his predecessor in title and disclosed or used without his knowledge or consent (provided that, where the applicant learnt of that disclosure, use or knowledge before the filing |

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| | date (priority date), he then applied for protection with reasonable diligence); 2. working the invention in South Africa, by the applicant or his predecessor in title, for reasonable technical trial or experiment. |
| Spain | Disclosure not to be taken into consideration in determining the state of the art if it occurred during the six months preceding the filing date and if it was due to, or in consequence of: 1. an evident abuse in relation to the applicant or his legal predecessor; 2. display of the invention by the applicant or his legal predecessor at an official or officially recognized exhibition within the meaning of the Convention on International Exhibitions signed at Paris on November 22, 1928 and last revised on November 30, 1972. The applicant shall state, when filing the application, that the invention has been so displayed and, in support of that statement, shall file the required certificate within the period and in the form laid down in the regulations. |
| Sri Lanka | 1. Disclosure not to be taken into account in determining novelty if it occurred within one year before the filing date by the applicant or his predecessor in title. 2. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to an abuse of the rights of the applicant or his predecessor in title. |
| Sweden | Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date due to: 1. evident abuse in relation to the applicant or his predecessor in title; 2. display of the invention by the applicant or his predecessor in title at an official or officially recognized international exhibition. |
| Switzerland | 1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date (priority date) due to: (a) a manifest abuse in relation to the applicant or his legal predecessor; (b) display of the invention by the applicant or his predecessor in title at an official or officially recognized international exhibition. 2. The applicant shall declare, when filing the application, that the invention has been so exhibited, and produce sufficient supporting evidence in good time. |
| Syrian Arab Republic | No provision. |
| Tajikistan | 1. Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date by: (a) the inventor or applicant; (b) a person who obtained information from the inventor or applicant. 2. The burden of proof is on the applicant. |
| Thailand | Disclosure not to be taken into account in determining novelty if it occurred within 12 months before the filing date due to: 1. matter obtained unlawfully; 2. disclosure made by the inventor; 3. display of the invention by the inventor at an international or official exhibition. |
| Republic of North Macedonia | Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due |

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| | <p>to:</p> <ol style="list-style-type: none"> 1. an evident abuse in relation to the applicant or his legal predecessor; 2. display of the invention by the applicant or his legal predecessor at an official or officially recognized exhibition. |
| Trinidad and Tobago | <p>Disclosure not to be taken into account in determining novelty if it occurred within one year before the filing date:</p> <ol style="list-style-type: none"> 1. by the applicant or his predecessor in title; 2. due to an abuse committed by a third party with regard to the applicant or his predecessor in title. |
| Tunisia | <p>Disclosure not to be taken into account in determining novelty if it occurred within 12 months before the filing date (priority date) due to a manifest abuse practiced on the applicant or his predecessor in title.</p> |
| Turkey | <ol style="list-style-type: none"> 1. Disclosure not to be taken into account in determining patentability if it occurred within 12 months before the filing date (priority date): <ol style="list-style-type: none"> (a) by the inventor; (b) by an authority to which the application for a patent was made and the information released by this authority; (c) in another application filed by the inventor which should not have been disclosed by the authority; (d) in an application filed, without the knowledge or consent of the inventor by a third party who obtained the information directly or indirectly from the inventor; (e) by a third party who acquired information directly or indirectly from the inventor. 2. The burden of proof is on the party invoking this paragraph. |
| Uganda | <p>A disclosure of the invention shall not be taken into consideration if it occurred within twelve months before the filing date or, where applicable, the priority date of the application and if it was by reason or in consequence of:</p> <ol style="list-style-type: none"> (a) Acts committed by the applicant or his or her predecessor in title; or (b) An evident abuse committed by a third party in relation to the applicant or his or her predecessor in title. |
| Ukraine | <ol style="list-style-type: none"> 1. Disclosure not to be taken into account in determining patentability if it occurred within 12 months before the filing date (priority date) by: <ol style="list-style-type: none"> (a) the inventor; (b) a person who obtained information from the inventor. 2. The burden of proof is on the person interested in applying the provisions of paragraph 1. |
| United Kingdom | <ol style="list-style-type: none"> 1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to: <ol style="list-style-type: none"> (a) matter directly or indirectly obtained unlawfully or in breach of confidence from the inventor; (b) display of the invention by the inventor at an international exhibition. 2. The applicant shall state, when filing the application, that the invention was displayed, and furnish written evidence within a prescribed time limit. |
| United States of America | <p>Disclosure not to be taken into consideration in determining novelty and inventive step if it occurred within one year before the filing date in the form of:</p> <ol style="list-style-type: none"> 1. inventions patented or described in a printed publication in the US or abroad; 2. public use or on sale in the US. |
| Uruguay | <p>Disclosure not to be taken into account in determining novelty if it occurred within one year before the filing date (priority date) by:</p> <ol style="list-style-type: none"> 1. the inventor or his successor in title; 2. a person who obtained information from the inventor. |

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| Uzbekistan | <p>1. Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date by:</p> <p>(a) the inventor or applicant;</p> <p>(b) a person who received information from the inventor or applicant.</p> <p>2. The inventor or applicant shall prove the circumstances of the disclosure.</p> |
| Zambia | <p>Exceptions to allow the novelty requirement of a patent not to be destroyed either because the patent has been made available to the public or has been disclosed or used:</p> <p>1. where a patent is worked or used by way of reasonable technical trial or experiment by the applicant or any person or persons from or through whom such applicant has derived his right or title;</p> <p>2. application for the patent relating to the Paris Convention for the protection of industrial property if lodged in Zambia within twelve months after the effective or priority date of the first application in the first convention country;</p> <p>3. where the invention is communicated through any agreement or arrangement made by or on behalf of the government of Zambia with the government of any country for the supply or mutual exchange of information or articles relating to the invention, and as a result of such agreement or arrangement the invention is published, made, used, exercised or vended, or an application for a patent has been granted on such an application;</p> <p>4. where the invention applied for was published, used or known prior to the effective or priority date of the application and the applicant proves that the publication or use was made without his knowledge or consent, and that the matter published or used was derived or obtained from him</p> |
| Regional Offices | Grace Period |
| African Intellectual Property Organization (OAPI) | <p>Disclosure not to be taken into account in determining novelty if it occurred within 12 months before the filing date (priority date) due to:</p> <p>1. an obvious abuse in relation to the applicant or his predecessor in title;</p> <p>2. display of the invention by the applicant or his predecessor in title at an official or officially recognized international exhibition.</p> |
| African Regional Intellectual Property Organization (ARIPO) | <p>Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date (priority date), by display of the invention at an official or officially recognized international exhibition.</p> |
| Eurasian Patent Organization (EAPO) | <p>1. Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date (priority date) by:</p> <p>(a) the inventor or applicant;</p> <p>(b) any person who obtained the information directly or indirectly from the inventor or applicant.</p> <p>2. The burden of proof is on the applicant.</p> |
| European Patent Organisation (EPO) | <p>Disclosure not to be taken into consideration in determining the state of the art if it occurred no earlier than six months preceding the filing date due to, or in consequence of:</p> <p>1. an evident abuse in relation to the applicant or his legal predecessor, or</p> <p>2. display of the invention by the applicant or his legal predecessor at an official or officially recognized international exhibition.</p> |
| Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC) | <p>Disclosure not to be taken into account in determining novelty if it occurred due to:</p> <p>1. abusive actions of others against the applicant or his predecessor in title within 12 months before the filing date (priority date);</p> |

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| | 2. display of the invention at an officially recognized exhibition within six months before the filing date. |