



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 1

**NOTICE:** This file contains information that was previously published in the *WIPO Handbook on Industrial Property Information and Documentation*, but that has become outdated.

### TERMS OF PROTECTION

PRINCIPAL PROVISIONS OF INDUSTRIAL PROPERTY LEGISLATION CONCERNING  
"TERM OF PROTECTION AND DATE FROM WHICH INDUSTRIAL PROPERTY RIGHTS MAY HAVE EFFECT"

#### AFRICAN INTELLECTUAL PROPERTY ORGANIZATION (OAPI)

(BENIN, BURKINA FASO, CAMEROON, CENTRAL AFRICAN REPUBLIC, CHAD<sup>(\*)</sup>, CONGO, CÔTE D'IVOIRE, GABON, GUINEA, MALI, MAURITANIA, NIGER, SENEGAL, TOGO).

(a) Patents: *10 years from the filing date of the application* with the possibility of a five-year extension if the petitioner proves that the patented invention is being worked in the territory of one of the member States at the date of the request or that there are legitimate reasons for failing to work it (Bangui Agreement of March 2, 1977, Annex I, Art. 6).

(b) Utility Models: *five years from the filing date of the application* with the possibility of a three-year extension if the petitioner proves that the protected utility model is being worked in the territory of one of the member States at the date of the request or that there are legitimate reasons for failing to work it. (*Ibid.*, Annex II, Art. 6).

#### AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Patents and Industrial Designs may have effect from filing date but the life span depends on the national laws of the designated States (which at the moment include: Botswana, Ghana, Gambia, Kenya, Lesotho, Malawi, Sudan, Swaziland, Uganda, Zambia and Zimbabwe).

#### ALGERIA

Inventors' Certificates and Patents: *20 years from the filing date of the application* (Ordinance No. 66-54 of 1966, Art. 6).

#### ANGOLA

Patents: *15 years from the filing date of the application* (Industrial Property Law, Law No. 3/92 of 1992, Art. 6).

#### ARGENTINA

(a) Patents: *five, 10 or 15 years from the date of grant*, depending on the merits of the invention and the wishes of the applicant (Patent Law No. 111 of 1864, as amended, Art. 5).

(b) Confirmation of foreign patents and certificates of addition or improvement: *10 years maximum from the date of grant*, but not longer than the validity of the original patent (*Ibid.*, Art. 5).

(c) Provisional patents: *one year, renewable* (*Ibid.*, Art. 33).

#### ARMENIA

Patents: *20 years from the date on which the Industrial Property Office received the patent application* (Patent Law of 1993, Art. 4).

<sup>(\*)</sup> Chad is a member State of OAPI but is party to the Libreville Agreement of 1963, which provides for a term of *20 years from the filing date of the patent application* without extension. Utility models are not provided for. (Libreville Agreement of September 13, 1962, Annex I, Art. 4).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 2

### Appendix 3, page 2

#### AUSTRALIA

(a) Standard Patents: *16 years* from the *date of the patent* (Patents Act 1990, No. 83 of 1990, as amended in 1991, Sec. 67).

An extension of the term of the patent for a period of *four years* may be granted (*Ibid.*, Sec. 75(2)).

(b) Petty Patents: (i) *12 months* beginning on the *date of sealing of the patent* and (ii) if an extension of the term of the patent is granted, an additional period beginning on the day immediately following the end of the 12-month period and ending at the end of six years after the date of the patent (*Ibid.*, Sec. 68).

#### AUSTRIA

(a) Patents: *18 years* from the *date of publication of the filed invention*, but not beyond *20 years* from the filing date of the application (Patent Law of 1970, as last amended in 1994, Sec. 28(1)).

(b) SPCs: *five years maximum* from the *date of expiry of the basic patent* (Council Regulation (EEC) No. 1768/92 of June 18, 1992, Art. 13).

(c) Utility Models: *protection as of the official publication of the utility model for a maximum term of 10 years starting from the end of the month in which the application for registration was filed* (Utility Model Law of 1994, Sec.).

#### BAHAMAS

Patents: *16 years* from the *filing date of the application* (Industrial Property Act 1965, as amended in 1975, Sec. 13).

#### BANGLADESH

Patents: *16 years* from the *date of grant of the patent* (Patents and Designs Act 1911, Sec. 14(1)); a patent is dated and sealed as of the date of application (*Ibid.*, Sec. 11).

A five-year or, in exceptional cases, 10-year extension may be applied for if the patentee proves that the patent has not been sufficiently remunerative (*Ibid.*, Sec. 15).

#### BARBADOS

Patents: *15 years* from the filing date of the application.

A five-year extension may be granted if the patentee proves that the invention is being sufficiently used in the country at the date of the request or that there are circumstances that justify the failure to use the invention sufficiently in the country. (Patents Act, 1981-55, as amended in 1984, Sec. 34).

#### BELARUS

Patents: *20 years* from the *date on which the Patent Office receives the application* (Law on Patents for Inventions of 1993, Sec. 3(3)).

#### BELGIUM

(a) Patents: *20 years* from the *filing date of the application* (Patent Law of 1984, Sec. 39).

(b) SPCs: *five years maximum* from the *date of expiry of the basic patent* (Council Regulation (EEC) No. 1768/92 of June 18, 1992, plus Royal Decree of January 5, 1993).

**BENIN** (See under OAPI).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 3

### Appendix 3, page 3

#### BOLIVIA

Patents: 20 years from the *date of filing of the application*. (Decision 344 of the Commission of the Cartagena Agreement, Art. 30).

#### BOTSWANA

Patents (registration of United Kingdom patents): from the *date of the United Kingdom Patent* and as long as the patent remains in force in the United Kingdom (Patents and Designs Protection Act of 1955, Sec. 2).

#### BRAZIL

- (a) Patents: 15 years from the *filing of the application* (Law No. 5772 of 1971, Art. 24).
- (b) Utility Models: 10 years from *filing date*. (*Ibid.*, Art. 24).

#### BULGARIA

- (a) Patents: 20 years from the *date of filing of the application* (Patent Law of 1993, Art. 16).
- (b) Utility Models: 10 years from the *filing date* (*Ibid.*, Art. 76).

BURKINA FASO (See under OAPI).

#### BURUNDI

Patents: 20 years from the *filing date of the application* (Patent Law of 1964, Sec. 2 and 5).

CAMEROON (See under OAPI).

#### CANADA

Patents: 20 years from the *date of the filing of the application in Canada*, if the application was filed on or after October 1, 1989; 17 years from the *date on which the patent is issued*, if the application was filed before October 1, 1989 (Patent Act R.S., 1985, c.P-4, as amended by R.S., 1985, c.33 (3rd Supp.) Sec. 44 and 45 in effect from October 1, 1989).

CENTRAL AFRICAN REPUBLIC (See under OAPI).

CHAD (See under OAPI).

#### CHILE

- (a) Patents: 15 years (non-renewable) from the *date of grant*. Patents for inventions patented abroad are granted for the time remaining before expiration of the patent rights abroad and, in any case, for a period not exceeding 15 years. (Law No. 19.039 Establishing the Rules Applicable to Industrial Titles and the Protection of Industrial Property Rights of 1991, Art. 39).
- (b) Utility Models: 10 years from the *application date* (*Ibid.*, Art. 57).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 4

### Appendix 3, page 4

#### CHINA

(a) Patents: *20 years* from the filing date of the application when the filing date is on or after January 1, 1993 (Revised Patent Law of 1992, Sec. 45). *15 years* from the filing date of the application when the filing date is on or before December 31, 1992 (Patent Law of 1984, Sec. 45).

(b) Utility Models: *10 years* from the filing date of the application when the filing date is on or after January 1, 1993 (Revised Patent Law of 1992, Sec. 45). *Five years* from the filing date of the application when the filing date is on or before December 31, 1992. Renewal for a three-year period may be applied for (Patent Law of 1984, Sec. 45).

#### COLOMBIA

Patents: *20 years* from the *date of filing of the application*. (Decision 344 of the Commission of the Cartagena Agreement, Art. 30).

CONGO (See under OAPI).

#### COSTA RICA

(a) Patents: *12 years* from *grant* (Law on Patents, Industrial Designs and Utility Models No. 6867 of 1983, Art. 17(2)).

Patents for medicines, products and substances for therapeutical use, beverages, foodstuffs, fertilizers, agrochemical substances in general, as well as for substances or products for the control and treatment of diseases of animals and plants are valid for *one year* from *grant* (*Ibid.*, Art. 17(1)).

(b) Utility Models: *five years* from *registration* (*Ibid.*, Art. 30).

CÔTE D'IVOIRE (See under OAPI).

#### CROATIA

Patents: *20 years* from the *filing date of the application* (Industrial Property Law of 1992, Sec. 51).

#### CUBA

(a) Inventors' Certificates: unlimited duration as from the *filing date of the application* (Decree-Law No. 68 of 1983 on Inventions, Scientific Discoveries, Industrial Designs, Marks and Appellations of Origin, Sec. 80).

(b) Patent Certificates: *10 years* from the *filing date of application*, which may be extended for *five years* (*Ibid.*, Art. 59).

#### CYPRUS

Patents: privileges and rights conferred by registration date from the *date of the patent in the United Kingdom* and remain in force only as long as the patent remains in force in the United Kingdom (Law No. 40 of 1957, Sec. 8).

#### CZECH REPUBLIC

(a) Patents: *20 years* from the *filing date of the application* (Law No. 527 of 1990 on Inventions, Industrial Designs and Rationalization Proposals, Art. 21).

(b) Utility Models: *four Years* from the *filing date of the application*; the term of protection may be extended twice for further three years upon request of the owner of the utility model (Law No. 478 of 1992 on Utility Models, Art. 15).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 5

### Appendix 3, page 5

#### DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

- (a) Inventors' Certificates: permanent duration from *the filing date of the application* (Law on Inventions and Innovations of June 28, 1986, Art. 7, 8 and 9).
- (b) Patents: *15 years* from the *filing date of the application* (*Ibid.*, Art. 11).

#### DENMARK

- (a) Patents: *20 years* from the *date of filing of the patent application* (Consolidated Patents Act of 1993, Sec. 40).
- (b) SPCs: *five years maximum* from the *date of expiry of the basic patent* (Council Regulation (EEC) No. 1768/92 of June 18, 1992, Art. 13).
- (c) Utility Models: *three years* from the *date of filing of the utility model application*. The registration may be renewed for two additional periods of three and four years, respectively (Utility Models Act of 1992, Sec. 28(1)).

#### DOMINICA

Patents: *14 years* from the *date of application* (Patents Ordinance of 1906, Chapter 324, Sec. 13 and 19(1)). For patents granted in the United Kingdom and registered in Dominica the privileges and rights date from the date of the patent in the United Kingdom and remain in force only as long as the patent remains in force in the United Kingdom (Registration of United Kingdom Patents Ordinance of 1925, Chapter 325, Sec. 7).

#### DOMINICAN REPUBLIC

Patents: *five, 10 or 15 years* at the choice of the applicant, (Law No. 4994 on Patents for Inventions of 1911, as amended by Law. No. 5525 of 1961, Art. 4).

Patents granted for periods of five and 10 years can be extended, upon request, up to 15 years (*Ibid.*, Art. 11).

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

#### ECUADOR

Patents: *20 years* from the *date of filing of the application*. (Decision 344 of the Commission of the Cartagena Agreement, Art. 30).

#### EGYPT

- (a) Patents: *15 years* from the *filing date of the application* (Patents and Designs Law No. 132 of 1949, as amended in 1981, Sec. 12).

An extension of *five years* may be granted if evidence is produced that the invention is of particular importance and if the patentee proves that he has not secured an adequate return from the invention (*Ibid.*, Sec. 12).

- (b) Patents for special chemical processes: *10 years*, without extension (*Ibid.*, Sec. 12).

#### EUROPEAN PATENT OFFICE (EPO)

Patents: *20 years* from the *filing date of the application* (European Patent Convention of 1973, as amended in 1978, Art. 63).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 6

### Appendix 3, page 6

#### EL SALVADOR

(a) Patents: *20 years* from the *filing date of the application* (Law on Development and Protection of Intellectual Property of 1993, Art. 109).

Patents for medicinal products: *15 years* from the *filing date of the application* (*Ibid.*, Art. 109(2)).

(b) Utility Models: *10 years* from the *filing date of the application* (*Ibid.*, Art. 109).

#### FIJI

Patents: *14 years* from the *date of the letters patent* (Patents Act of 1879, as amended in 1967, Sec. 4).

#### FINLAND

(a) Patents: *20 years* from the *date on which the patent application was filed* (Patent Law of 1967, as amended in 1985, Sec. 40).

(b) SPCs: *five years maximum* from the *date of expiry of the basic patent* (Council Regulation (EEC) No. 1768/92 of June 18, 1992, Art. 13 and Chapter 9(a) of the Finnish Patent Law, in force as of July 1, 1994).

(c) Utility Models: *four years* from the *filing date of the application*. The registration may be renewed for a further period of four years. (Law on Utility Models Rights, Chapter 5, Section 25, of May 10, 1991).

#### FRANCE

(a) Patents: *20 years* from the *filing date of the application* (Law No. 92-597 of 1992, Relating to the Intellectual Property Code, Art. L.611-2).

(b) Certificates of Utility: *six years* from the *filing date of the application* (*Ibid.*, Art. L.611-2).

(c) SPCs: – not exceeding *seven years* from the end of the term of the patent and *17 years* from the issue of the marketing authorization for the relevant product (*Ibid.*, Art. 611-2).  
– from January 2, 1993, *five years maximum* from the *date of expiry of the basic patent* (Council Regulation (EEC) No. 1768/92 of June 18, 1992, Art. 13).

GABON (See under OAPI).

#### GAMBIA

Patents: *15 years* from the *date of the application*. On request and upon payment of the prescribed fee, the Registrar may extend the term of a patent for a period of five years. (Industrial Property Act of 1989, Sec. 13.)

#### GERMANY

(a) Patents: *20 years*, beginning *on the day following the filing date of the application* (Patent Law of 1981, as amended in 1986, Art. 16).

(b) SPCs: *five years maximum* from the *date of expiry of the basic patent* (Council Regulation (EEC) No. 1768/92 of June 18, 1992, plus Amendment to the German Patent Law dated March 23, 1993).

(c) Utility Models: *three years*, as from *the day following the filing of the application*; the term of protection may be initially renewed for three years and further renewals are for a period of two years up to a maximum term of protection of 10 years (Utility Model Law of 1990, Art. 23).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 7

### Appendix 3, page 7

#### GHANA

Patents: *10 years* from the *date of filing of the application*. On request of the owner of the patent or of a licensee and upon payment of the prescribed fee, the term of the patent may be extended by the Registrar for two consecutive periods of *five years* each (Patent Law of 1992, Sec. 31).

#### GREECE

Patents: *20 years* from the *day following the filing date of the application* (Law on Technology Transfer, Inventions and Technical Innovation of 1987, Art. 11).

#### GRENADA

Patents: *14 years* from the *date of the Patent* (Patents Ordinance of 1989, Chapter 209, Art. 21(1)).

#### GUATEMALA

Patents: *15 years* from the *filing date of the application*. If the invention involves chemical compounds: *10 years* from the *filing date of the application* (Decree Law of 1986, Art. 29).

GUINEA (See under OAPI).

#### HAITI

Patents: *five, 10 or 20 years* from the *date of grant* of the patent (Law Concerning Patents for Inventions and Patents for Industrial Designs of 1922, Art. 4).

#### HONDURAS

Patents: *20 years* from the *filing date of the application* (Industrial Property Law of 1993, Art. 15).

Patents for pharmaceutical products and processes: *17 years* from the *filing date of the application* (*Ibid.*, Art. 15).

#### HUNGARY

Patents: *20 years* from the *filing date of the application* (Law No. II of 1969, as amended in 1983, Art. 12). Exception to this rule is transitional patent protection which subsists in each case on the grant of such protection with an effect retroactive to July 1, 1994, and expires at the same time as the term of the original foreign patent (Law No. VII of 1994).

#### ICELAND

Patents: *20 years* from the *filing date of the application* (Patents Act No. 17 of 1991, Sec. 40).

#### INDIA

(a) Patents for the method or process of manufacture of food or drug substances: *five years* from the *date of sealing of the patent* or *seven years* from the *date of the filing of the complete specification*, whichever period is shorter (The Patents Act 1970, Sec. 53(1)(a) and 45(1)).

(b) Patents for all other inventions: *14 years* from the *date of filing of the complete specification* (*Ibid.*, Sec. 53(1)(b) and 45(1)).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 8

### Appendix 3, page 8

#### INDONESIA

- (a) Patents: *14 years* from the *filing date of the application* (Law Concerning Patents No. 6 of 1989, Art. 9).
- (b) Simple Patents: *five years* from the date of the issuance of a Simple Patent Certificate (*Ibid.*, Art. 10).

#### IRAN

Patents: *five, 10, 15 or 20 years* from the *filing date of the application* at the option of the inventor, but not exceeding the unexpired term of a patent already granted abroad for the same invention (Law on the Registration of Trade Marks and Patents of 1931, Art. 30 and 33).

#### IRAQ

Patents: *15 years* from the *filing date of the application* for the patent or from the *date when the documents were completed* (Patents and Industrial Designs Law No. 65 of 1970, Art. 13).

#### IRELAND

- (a) Patents: *20 years* from the *filing date of the application* (Patents Act, 1992, Sec. 36).
- (b) SPCs: *five years maximum* from the *date of expiry of the basic patent* (Council Regulation (EEC) No. 1768/92 of June 18, 1992, Art. 13 plus implementing national legislation S.I. No. 125 1993).
- (c) Short-term Patents: *10 years* from the *filing date of the application* (Patents Act, 1992, Sec. 63).

#### ISRAEL

Patents: *20 years* from the *filing date of the application* (The Patents Law 5727 of 1967, Sec. 52).

#### ITALY

- (a) Patents: *20 years* from the *filing date of the application* (R.D. No. 1127 of June 29, 1939, Art. 4, as amended by D.P.R. No. 338 of June 22, 1979).
- (b) SPCs: (i) From November 19, 1991 until December 31, 1992, *18 years maximum* from the *date of expiry of the basic patent* (Law No. 349 of October 19, 1991, Art. 1).  
(ii) Since January 2, 1993, *five years maximum* from the *date of expiry of the basic patent* (Council Regulation (EEC) No. 1768/92 of June 18, 1992, Art. 13).
- (c) Utility Models: *10 years* from the *filing date of the application* (R.D. No. 1411 of August 25, 1940, Art. 9, as amended by Law No. 265 of May 23, 1977).

#### JAMAICA

Patents: *14 years* from the *date of grant*, with the possibility of extension for a further period of seven years (The Patent Act of 1857, as amended, Sec. 3).





## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 9

### Appendix 3, page 9

#### JAPAN

(a) Patents: *15 years* from the *date of publication of the examined application*; the term cannot exceed 20 years from the filing date of the application (Patent Law of 1959, as amended in 1990, Art. 67(1)).

The term of the patent may be extended, upon application, by a period not exceeding five years if, because of the necessity of obtaining an approval which is governed by provisions in laws intended to ensure safety in the working of the patented invention, it was not possible to work the patented invention for two years or more (*Ibid.*, Art. 67(3)).

(b) Utility Models: *six years* from the *date of the application* (Utility Model Law of 1959, as amended in 1993, Art. 15).

#### JORDAN

Patents: *16 years* from the *filing date of the application* (Law No. 22 of 1953, Sec. 15(1) and 13).

#### KAZAKHSTAN

(a) Patents: *20 years* from the *date of receipt of the application by the Patent Office* (Patent Law of 1992, Sec. 4.3).

(b) Utility Models: *five years* from the *date of receipt of the application by the Patent Office* (*Ibid.*, Sec. 4.3).

#### KENYA

Patents: *seven years* from the *date of filing of the application*. On the request of the owner of the patent or of the licensee and upon payment of the prescribed fee, the term of the patent may be extended by the Registrar for two consecutive periods of *10* and *five years* each (The Industrial Property Act of 1989, as amended in 1991, Sec. 39).

#### KUWAIT

Patents: *15 years* from the *date of application*, with possibility of one renewal for a period not exceeding five years (Law No. 4 of 1962, Art. 12).

For patents related to special chemical methods or processes connected with foodstuffs, medicinal drugs or pharmaceutical compositions: *10 years* from the *date of application* (*Ibid.*, Art. 2(2) and 12).

#### LATVIA

Patents: *20 years* from the *filing date of the application* (Patent Law of 1993, Art. 31.4).

#### LEBANON

Patents: *15 years* from the recorded *filing date of the application* (Decree No. 2385 of 1924, as amended in 1946, Art. 4).

#### LESOTHO

(a) Patents: *15 years* from the *filing date of the application* (Industrial Property Order of 1989, Sec. 14).

(b) Utility Model Certificates: *seven years* from the *filing date of the application* (*Ibid.*, Sec. 18(4)).

#### LIBERIA

Patents: *20 years* from the *date of grant* (Patent, Copyright and Trademark Law of 1972, Sec. 1.6(b)).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 10

### Appendix 3, page 10

#### LIBYA

Patents: *15 years* from the *date of submission of the patent application*, with the possibility of one renewal for a period not exceeding five years (Law No. 8 of 1959 Relating to Patents, Designs and Industrial Models, Art. 10(a)).

For patents relating to special chemical methods or processes connected with foodstuffs, medicinal drugs or pharmaceutical compositions: *10 years* from the *date of submission of the patent application* (*Ibid.*, Art. 10(b) and 2(b)(ii)).

LIECHTENSTEIN (See Switzerland).

#### LUXEMBOURG

(a) Patents: *20 years* from the *day following the filing date of the application* (Law on Patents for Inventions of June 30, 1880, Art. 7; Law amending the patent system of July 20, 1992, Art. 43).

(b) SPCs: *five years maximum* from the *date of expiry of the basic patent* (Council Regulation (EEC) No. 1768/92 of June 18, 1992, Art. 13).

#### MADAGASCAR

Patents: *15 years* from the *filing date of the application*, with the possibility of renewal for a period of 5 years (Decree No. 92-993 of 1989, Art. 51).

#### MALAWI

Patents: *16 years* from the *filing date of the complete specification* (Patents Act of 1958, Sec. 29).

#### MALAYSIA

(a) Patents: *15 years* from the *date of grant of the patent* (Patents Act 1983, as amended in 1986, Sec. 35).

(b) Utility Innovations: *15 years* from the *date of grant of the certificate* (*Ibid.*, Sec. 17A(1) and 35).

MALI (See under OAPI).

#### MALTA

Patents: *14 years* from the *filing date of the application* (Industrial Property (Protection) Ordinance (Cap. 48), as amended in 1977, Sec. 27(1) and 31).

MAURITANIA (See under OAPI).

#### MEXICO

(a) Patents: *20 years* from the *filing date of the application* (Law on the Promotion and Protection of Industrial Property of 1991, as amended by Decree of July 13, 1994, Art. 23).

(b) Utility Models: *10 years* from the *filing date of the application* (*Ibid.*, Sec. 29).

#### MONACO

Patents: *20 years* from the *filing date of the application* (Patents Law No. 606 of 1955, Art. 4).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 11

### Appendix 3, page 11

#### MONGOLIA

- (a) Inventors' Certificates: unlimited duration from the *priority date* (Statute on Discoveries, Inventions and Rationalization Proposals of 1970, Art. 23).
- (b) Patents: *15 years* from the *priority date* (*Ibid.*, Art. 24).

#### MOROCCO

Patents: *20 years* from the *filing date of the application* (Decree of 1916, as amended in 1941, Art. 26 and 30).

#### NEPAL

Patents: *15 years* after *registration* (Patent, Design and Trademark Act No. 2022 of 1965, Sec. 8).

#### NETHERLANDS

- (a) Patents: *20 years* from the *filing date of the application* (Patents Act of 1910, as amended in 1987, Art. 47).
- (b) Patents: *six years* from the *filing date of the application* (Patents Act of 1995, Art. 33).
- (c) Patents: *20 years* from the *filing date of the application* (Patents Act of 1995, Art. 36).
- (d) SPCs: *five years* from the *date of expiry of the basic patent* (Council Regulation (EEC) No. 1768/92 of June 18, 1992, Art. 13; Patents Act of 1995, Art. 93).

#### NEW ZEALAND

Patents: *16 years* from the *date of the filing of the complete specifications*. Upon application, the term of the patent may be extended for a period not exceeding 10 years (The Patents Act of 1953, Sec. 30 and 31).

#### NICARAGUA

Patents: *five to 10 years* from the *grant* (Law on Patents of 1899, as amended, Art. 2).

NIGER (See under OAPI).

#### NIGERIA

Patents: *20 years* from the *filing date of the application* (Decree No. 60 of 1970, Sec. 7(1)).

#### NORWAY

- (a) Patents: *20 years* from the *filing date of the application* (Patents Act of 1967, as amended in 1985, Art. 40).
- (b) SPCs: *five years maximum* from the *date of expiry of the basic patent* (Council Regulation (EEC) No. 1768/92 of June 18, 1992, Art. 13 and Chapter 9(a) of the Norwegian Patents Act, in force as of July 1, 1994).

#### PAKISTAN

Patents: *16 years* from the *filing date of the application* with the possibility of a five-year or, in exceptional cases, 10-year extension if the patent owner proves that the patent has not been sufficiently remunerative (Patents and Designs Act, 1911, as amended in 1983, Sec. 14 and 15).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 12

### Appendix 3, page 12

#### PANAMA

Patents: *five to 20 years from grant*. In case of foreign patents, the relevant term cannot exceed a maximum of *15 years from grant*. (Administrative Code of 1916, Art. 1988, 1989 and 1991; Law No. 11 of 1974, Art. 3).

#### PARAGUAY

Patents: *15 years from the date of filing of the patent application* (Law on Patents No. 773, of 1925, Art. 4 and 9).

#### PERU

Patents: *20 years from the date of filing of the application*. (Decision 344 of the Commission of the Cartagena Agreement, Art. 30).

#### PHILIPPINES

(a) Patents for Inventions: *17 years from the date of the grant* (Patent Law (Republic Act No. 165), as amended by Republic Act Nos. 637 and 864, Sec. 21; Revised Rules of Practice, as last amended in 1993, Rule 146).

(b) Patents for Utility Models: *five years from the date of the grant*, with possibility of extension for two periods of five years (*Ibid.*, Sec. 57 and *Ibid.*, Rules 148 and 149).

(c) Patents for Industrial Designs: *five years from the date of grant*, with possibility of extension for two periods of five years (*Ibid.*, Sec. 58 and *Ibid.*, Rules 148 and 149).

#### POLAND

(a) Patents: *20 years from the filing date of the application* (Law on Inventive Activity of 1972, as amended in 1993, Art. 16(2)).

(b) Utility Models: *five years from the filing date of the application* with possibility of extension for a further period of five years as per request of the owner of the utility model (*Ibid.*, Art. 80(2)).

#### PORTUGAL

(a) Patents: *20 years from the filing date of the application* (Decree-Law No. 16/95, Art. 94).

(b) Utility Models: *15 years from the filing date of the application* (Decree-Law No. 16/95, Art. 131).

#### REPUBLIC OF KOREA

(a) Patents: *15 years from the date of publication of the patent application if published and, if not published, from the date of registration of the establishment of the patent right; however, such term cannot exceed 20 years from the filing date of the patent application* (Patent Law of 1961, as amended in 1990, Sec. 88(1)).

Where an authorization or registration under other laws must be obtained in order to work the patented invention and the working has been delayed for two years, pending the obtainment of such authorization or registration, the term of the patent may be extended for a period not exceeding five years. (*Ibid.*, Sec. 89.)

(b) Utility Models: *10 years from the date of publication of the application*, provided that such term shall not exceed *15 years from the filing date of the application* (Utility Model Law of 1961, as amended in 1990, Sec. 22).

#### ROMANIA

Patents: *20 years from the filing date of the application* (Patent Law No. 64 of 1991, Sec. 32).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 13

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### Appendix 3, page 13

#### RUSSIAN FEDERATION

- (a) Patents: *20 years* from the *reception date of the application* (Patent Law of 1992, Sec. 3(3)).
- (b) Utility Models: *five years* from the *reception date of the application* with possibility of extension for a period not exceeding three years. (*Ibid.*, Sec. 3(3)).

#### RWANDA

Patents: *20 years* from the *filing date of the application* (Law on Patents of 1963, Sec. 5 and 2).

#### SAINT KITTS AND NEVIS

Patents (registration of United Kingdom patents): from the *date of the United Kingdom patent* and as long as the patent remains in force in the United Kingdom (Registration of United Kingdom Patents Act of 1925, as amended, Sec. 7).

#### SAINT LUCIA

Patents: *14 years* from the *date of application* (Commercial Code, Title X, Part I, Patents, Sec. 640 and 644).

#### SAINT VINCENT AND THE GRENADINES

Patents: *14 years* from the *date of application* (Patents Ordinance of 1898, Sec. 29 and 32).

#### SAMOA

Patents: *16 years* from the *date of issue of the letters patent* (Patents Act 1972, Sec. 4(2)).

#### SAUDI ARABIA

Patents: *15 years* from the *date of grant* (Patents Act of 1988, Art. 27).

#### SENEGAL

(See under OAPI).

#### SEYCHELLES

Patents: *14 years* from the *date of application* (Patents Ordinance of 1901, as amended, Sec. 14 and 20(1)).

#### SIERRA LEONE

Certificate of Registration: privileges and rights under a certificate of registration date from the *date of the patent in the United Kingdom* and continue in force as long as the patent remains in force in the United Kingdom (The Patents Act of 1925, Sec. 7).

#### SINGAPORE

Patents (registration of United Kingdom patents): from the *date of the United Kingdom patent* and as long as the patent remains in force in the United Kingdom (Registration of United Kingdom Patents Ordinance, of 1937, as amended, Sec. 7).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 14

### Appendix 3, page 14

#### SLOVAKIA

(a) Patents: *20 years* from the *filing date of the application* (Law No. 527 on Inventions, Industrial Designs and Rationalization Proposals of 1990, Art. 21).

(b) Utility Models: *four Years* from the *filing date of the application*; the term of protection may be extended twice for further three years upon request of the owner of the utility model (Law No. 478 of 1992 on Utility Models, Art. 15).

#### SLOVENIA

(a) Patents: *20 years* from the *filing date of the application*. In certain case, e.g., pharmaceuticals, the term can be extended up to additional five years for applications filed after January 1, 1993 (Law on Industrial Property of 1992, as amended in 1993, Art. 37).

(b) Short-term Patents: *10 years* from the *filing date of the application* (*Ibid.*, Art. 76).

#### SOLOMON ISLANDS

Patents (registration of United Kingdom patents): from the *date of the United Kingdom patent* and as long as the patent remains in force in the United Kingdom (Registration of United Kingdom Patents Act of 1924, as amended, Sec. 7).

#### SOMALIA

Patents: *15 years* from the *date of grant* (Ordinance No. 1 on Patents for Industrial Inventions of 1955, Art. 4).

#### SOUTH AFRICA

Patents: *20 years* from the *date of application* (Patents Act 57 of 1978, Sec. 46(1)).

#### SPAIN

(a) Patents: *20 years* from the *filing date of the application*. This term is not renewable (Law on Patents of 1986, Sec. 49).

(b) Utility Models: *10 years* from the *filing date of the application*. This term is not renewable (*Ibid.*, Sec. 152.-2).

#### SRI LANKA

Patents: *15 years* from the *date of grant* (Code of Intellectual Property Act, No. 52 of 1979, as amended in 1983, Sec. 80(1)).

#### SUDAN

Patents: *20 years* from the *date of the filing of the application* (The Patents Act, 1971, Sec. 25(1)).

#### SWAZILAND

Patents (registration of the United Kingdom patents): from the *date of the United Kingdom patent* and as long as the patent remains in force in the United Kingdom (Patents, Designs and Trade Marks Act 1936, Sec. 3).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 15

### Appendix 3, page 15

#### SWEDEN

- (a) Patents: *20 years from the date of filing of the application* (The Patents Act, 1967, as amended in 1983, Sec. 40).
- (b) SPCs: *25 years maximum from the filing date of the basic patent application.*

#### SWITZERLAND

- (a) Patents: *20 years from the filing date of the application* (Federal Law on Patents for Inventions of 1954, as revised in 1976, Sec. 14(1)).
- (b) SPCs: *five years after expiration of the basic patent application for pharmaceuticals (but maximum of 15 years from marketing authorization)* (Federal Law on Patents for Inventions of 1954, as amended in 1995).

#### SYRIA

Patents: *15 years from the filing date of the application* (Legislative Decree No. 47 of 1946, as amended in 1980, Art. 2).

#### THAILAND

Patents: *20 years from the date of filing of the application* (Patent Act, B.E. 2522 of 1979, as amended in 1992, Sec. 35).

TOGO (See under OAPI).

#### TRINIDAD AND TOBAGO

- (a) Patents: *14 years from the grant of the patent* (Patents and Designs Ordinance of 1900 as amended in 1979, Sec. 6).
- (b) Certificates of Registration: *from the date of the patent in the United Kingdom and as long as the patent remains in force in the United Kingdom* (*Ibid.*, Sec. 15(5)).

#### TUNISIA

Patents: *20 years, from the filing date of the application* (Decree of 1939, Sec. 1).

The term of a patent for an invention already patented abroad cannot exceed the term of the foreign patent (Patent Law of 1888, as amended in 1956, Sec. 23).

#### TURKEY

Patents: *five, 10 or 15 years from the filing date of the application* (Patent Law, of 1879, as amended in 1932, Art. 4 and 8).

#### UGANDA

Certificates of Registration: *from the date of the patent in the United Kingdom and are in force as long as the patent remains in force in the United Kingdom* (The Patents Act of 1939, as amended, Sec. 9).



## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 16

### Appendix 3, page 16

#### UKRAINE

(a) Patents: *20 years* from the *filing date of the application* (Law on the Legal Protection of Inventions and Utility Models of 1994, Chapter II, Art. 5(5)).

(b) Utility Models: *five Years* from the *filing date of the application* with the possibility of extending the term of protection for a period not exceeding three years (*Ibid.*, Art. 5(5)).

The industrial property rights may have effect from the date of publication of the announcement of the grant (*Ibid.*, Chapter V, Art. 23(1)).

#### UNITED ARAB EMIRATES

(a) Patents: *15 years* from the *filing date of the application*, with a possible extension of five years (Patents and Designs Law of 1992, Art. 14).

(b) Utility Certificates: *10 years* from the filing date of the application (*Ibid.*, Art. 14).

#### UNITED KINGDOM

(a) Patents: *20 years* from the *filing date of the application* (Patent Act, 1977, Sec. 25(1)).

(b) SPCs: *five years maximum* from the *date of expiry of the basic patent* (Council Regulation (EEC) No. 1768/92 of June 18, 1992, plus implementing national secondary legislation).

#### UNITED REPUBLIC OF TANZANIA

Certificates of Registration: from the *date of the patent in the United Kingdom* and as long as the patent remains in force in the United Kingdom (Patents (Registration) Ordinance of 1931, as amended in 1962, Sec. 9).

#### UNITED STATES OF AMERICA

(a) Patents: *20 years* from the *filing date of the application* (United States Code (U.S.C.), Title 35– Patents, as last amended in 1995, Sec. 154).

The term of a patent which encompasses within its scope a composition of matter or a process for using such composition may be extended if such composition or process has been subjected to a regulatory review by the Federal Food and Drug Administration (FDA) before commercial marketing was permitted (*Ibid.*, Sec. 155). Patent term for human drugs, food additives, color additives, medicinal devices, animal drugs and veterinary biological products may be extended under 35 U.S.C. 156 for a period of up to *five years*. The term of a patent may be extended up to five years if issuance of the patent was delayed due to interference, secrecy order or appellate review (*Ibid.*, Sec. 154).

(b) Plant Patents: the provisions on patents apply (*Ibid.*, Sec. 161 and 154).

(c) Design Patents: *14 years* from the *date of issue* (*Ibid.*, Sec. 173).

#### URUGUAY

(a) Patents of Invention: *15 years* from the *date of grant* (Patents of Invention Act of 1941, as amended, Art. 6).

(b) Patents of Revalidation: *15 years* less the term for which the patentee has already enjoyed protection in the country of origin (*Ibid.*, Art. 33).

(c) Utility Models: *five years* from the *date of grant*, and may be extended for a further five years (Law on Utility Models and Industrial Designs of 1976, Art. 4).





## HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Archives

page: 17

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### Appendix 3, page 17

#### VANUATU

Certificates of Registration: date from the *date of the patent in the United Kingdom* and remain in force as long as the patent remains in force in the United Kingdom (Registration of United Kingdom Patents Regulation, 1973, as amended in 1982, Sec. 7).

#### VENEZUELA

Patents: *20 years from the date of filing of the application*. (Decision 344 of the Commission of the Cartagena Agreement, Art. 30.)

#### VIET NAM

Patents: *15 years from the priority date of the application* (Ordinance on Innovations to Effect Technical Improvement and Rationalization in Production and on Inventions of 1981, as amended in 1990, Sec. 15(1)).

#### YUGOSLAVIA

Patents: *20 years from the date of submission of the application* (Law on the Protection of Inventions, Technical Improvements and Distinctive Signs of 1981, as amended in 1990, Sec. 51).

#### ZAIRE

(a) Patents: *20 years from the filing of the application*. In the case of patents for medicines: *15 years* (Law Governing Industrial Property of 1982, Sec. 36).

(b) Patents of Importation and Improvement: same duration as the main patent to which they are attached (*Ibid.*, Sec. 37).

#### ZAMBIA

Patents: *16 years from the filing date of the complete specification* (The Patents Act of 1958, as amended, Sec. 29(a)).

#### ZIMBABWE

Patents: *20 years from the filing date of the complete specification* (The Patents Act of 1972, as amended in 1984, Sec. 25(a)).

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