

COMPILATION OF VARIOUS LEGAL PROVISIONS ON THE EXCEPTION REGARDING THE USE OF ARTICLES
ON FOREIGN VESSELS, AIRCRAFT AND LAND VEHICLES

COMPILATION DE DISPOSITIONS JURIDIQUES SUR L'EXCEPTION RELATIVE À L'UTILISATION D'ARTICLES À
BORD DE NAVIRES, AÉRONEFS ET VÉHICULES TERRESTRES ÉTRANGERS

COMPILACIÓN DE DIVERSAS DISPOSICIONES LEGALES SOBRE LA EXCEPCIÓN RELATIVA AL USO DE
ARTÍCULOS EN NAVÍOS, AERONAVES Y VEHÍCULOS TERRESTRES EXTRANJEROS

تجميع مختلف الأحكام القانونية بشأن الاستثناء المتعلق باستخدام المواد على السفن والطائرات والمركبات البرية الأجنبية

关于在外国船舶、航空器和陆地车辆上使用物品的例外的各项法律规定汇编

ПОДБОРКА РАЗЛИЧНЫХ ПРАВОВЫХ ПОЛОЖЕНИЙ ОБ ИСКЛЮЧЕНИИ, КАСАЮЩЕМСЯ
ИСПОЛЬЗОВАНИЯ ОБЪЕКТОВ ПАТЕНТНЫХ ПРАВ НА ИНОСТРАННЫХ СУДАХ, САМОЛЕТАХ И
НАЗЕМНЫХ ТРАНСПОРТНЫХ СРЕДСТВАХ

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ALBANIA

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

38. Limitation of the Effects of the Patent

The rights conferred by the patent shall not extend to:

[...]

ç) the use on board vessels of other countries of the Paris Union of devices forming the subject of the patent in the body of the vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter Albanian waters, provided that such devices are used there exclusively for the needs of the vessel;

d) the use of devices forming the subject of the patent in the construction or operation of aircraft or spacecraft or land vehicles of other countries of the Paris Union, or of accessories of such aircraft or land vehicles, when those aircraft or spacecraft or land vehicles temporarily enter Albania;

[...]

ALGERIA

Article 12 (3) of the Ordinance № 03-07 of 19 Jomada El Oula 1424 corresponding to July 19, 2003 on Patents

12. Les droits découlant d'un brevet d'invention ne s'étendent qu'aux actes accomplis à des fins industrielles ou commerciales.

Ces droits ne s'étendent pas :

[...]

(3) à l'emploi de moyens brevetés à bord de navires, d'engins spatiaux ou d'engins de locomotion aérienne ou terrestre étrangers qui pénètrent temporairement ou accidentellement dans les eaux, dans l'espace aérien ou sur le territoire national.

ANDORRA

Article 33 (1) (f) of the Law on Patents № 26/2014 of October 30, 2014

33. Límits dels drets de les patents

1. Els drets conferits per una patent no s'estenen a:

[...]

(f) L'ús de la invenció patentada en qualsevol giny espacial o aeri, o vehicle terrestre, estranger, que temporalment o accidentalment penetri en l'espai aeri o en el territori del Principat d'Andorra, sempre que la invenció patentada sigui utilitzada exclusivament en la construcció o el funcionament del giny espacial o aeri, o el vehicle terrestre;

[...]

ANTIGUA AND BARBUDA

Section 32 (4) (b) of the Patent Act No 22 of 2018

32. Rights conferred by the patent

[...]

(4) The rights under the patent shall not extend to –

[...]

(b) the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Antigua and Barbuda;

[...]

ARGENTINA

Article 36 (d) of the Law No 24.481 of March 30, 1995 on Patents and Utility Models (as amended up to Decree No 27/2018 of January 10, 2018)

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

[...]

d) the use of inventions patented in Argentina on board foreign land vehicles, seaborne vessels or aircraft that accidentally or temporarily travel within the jurisdiction of the ARGENTINE REPUBLIC, if they are used exclusively for the needs thereof.

ARMENIA

Article 17 (1) (4) of the Law of the Republic of Armenia of June 10, 2008, on Inventions, Utility Models and Industrial Designs

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

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

[...]

4. on any vehicle belonging to another State and being accidentally or temporarily on the territory of the Republic of Armenia, if it is determined exclusively by the needs of the vehicle and the latter belongs to citizens and (or) legal persons of a State providing the same rights to citizens and legal persons of the Republic of Armenia

[...]

AUSTRALIA

Section 118 of the Patents Act 1990 (consolidated as of August 26, 2021)

118. Infringement exemptions: use in or on foreign vessels, aircraft or vehicles

The rights of a patentee are not infringed:

(a) by using the patented invention on board a foreign vessel, in the body of the vessel, or in the machinery, tackle, apparatus or other accessories of the vessel, if the vessel comes into the patent area only temporarily or accidentally and the invention is used exclusively for the needs of the vessel; or

(b) by using the patented invention in the construction or working of a foreign aircraft or foreign land vehicle, or in the accessories of the aircraft or vehicle, if the aircraft or vehicle comes into the patent area only temporarily or accidentally.

AUSTRIA

Section 26 of the Law on Patents 1970 (as amended up to Federal Law published in the Federal Law Gazette I No. 61/2022 (BGBl. I No. 61/2022))

26. The effect of a patent does not extend to vehicles and to equipment on vehicles which are only temporarily brought into Austria due to their use in traffic.

AZERBAIJAN

Article 23 of the Law of the Republic of Azerbaijan on Patents 1997 (as amended up to October 20, 2009)

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

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

[...]

the use of devices forming the patented subject matter of industrial property in the construction or operation of means of transport of other countries when such means of transport temporarily or accidentally enter the territory of the Republic of Azerbaijan, provided that such devices are used there exclusively for the needs of the means of transport, if the means of transport belong to legal entity or natural persons of countries affording the same rights to owners of means of transport of the Republic of Azerbaijan.

BAHAMAS

Section 28 of the Industrial Property Act, 1965 (Chapter 324, as amended up to Act No 24 of 1994)

28. Where a vessel or aircraft registered in a convention country or a land vehicle owned by a person ordinarily resident in such a country comes into The Bahamas (including the territorial waters thereof temporarily or accidentally only, the rights conferred by a patent for an invention shall not be deemed to be infringed by the use of the invention —

(a) in the body of the vessel or in the machinery, tackle, apparatus or other accessories thereof so far as the invention is used on board the vessel and for its actual needs only; or

(b) in the construction or working of the aircraft or land vehicle or of the accessories thereof, as the case may be.

BAHRAIN

Article 13 (c) of the Law No 1 of 2004 on Patents and Utility Models (as amended up to Law No 14 of 2006)

(13) The rights under the patent shall not extend to:

[...]

(c) The use of patent articles on land, marine or air means of transportation that is an affiliate to the International Federation for the Protection of Industrial Property temporarily or accidentally entering the territory of the Kingdom.

[...]

BARBADOS

Section 6 (1) (d) of the Patents Act (Cap. 314) (as amended by Act No 2 of 2006)

6. (1) The rights vested in the owner of a patent by section 5 in respect of any invention do not apply to

[...]

(d) the use of articles on a foreign vessel, or on a foreign aircraft or a foreign vehicle of any kind, that accidentally or temporarily enters the territorial sea, territorial airspace or territory of Barbados, if the invention is used exclusively for the needs of the vessel, aircraft or vehicle.

[...]

BELARUS

Article 10 of the Law of the Republic of Belarus № 160-Z of December 16, 2002 on Patents for Inventions, Utility Models, Industrial Designs (as amended up to Law № 275-Z of December 18, 2019)

10. Actions Not Recognized as Infringement of the Exclusive Right of the Patent Owner

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

application of the means in which inventions, utility models, and industrial designs protected by the patent are used in the construction or at the exploitation of transportation means (sea, river, air, road and space) of other countries provided that the mentioned means temporarily or accidentally are in the territory of the Republic of Belarus and are used for the needs of the relevant transportation means. Such an action is not recognized as an infringement of the exclusive right of the patent owner, if the transportation means belong to the citizens or legal persons of the countries granting the same rights to the citizens and legal persons of the Republic of Belarus;

[...]

BELGIUM

Article XI.34. § 1er. (d) (e) (f) of the Code of Economic Law (updated on April 21, 2022)

XI.34. § 1er. Les droits conférés par le brevet ne s'étendent pas

[...]

d) à l'emploi, à bord des navires des pays de l'Union de Paris pour la protection de la propriété industrielle autres que la Belgique, de l'objet de l'invention brevetée, dans le corps du navire, dans les machines, agrès, appareils et autres accessoires, lorsque ces navires pénètrent temporairement ou accidentellement dans les eaux de la Belgique, sous réserve que ledit objet y soit employé exclusivement pour les besoins du navire;

e) à l'emploi de l'objet de l'invention brevetée dans la construction ou le fonctionnement des engins de locomotion aérienne ou terrestre des pays de l'Union de Paris pour la protection de la propriété industrielle autres que la Belgique, ou des accessoires de ces engins, lorsque ceux-ci pénètrent temporairement ou accidentellement sur le territoire belge;

f) aux actes prévus par l'article 27 de la Convention du 7 décembre 1944 relative à l'aviation civile internationale, lorsque ces actes concernent des aéronefs d'un Etat, autre que la Belgique, bénéficiant des dispositions de cet article.

BELIZE

Section 33 (4) (b) of the Patents Act (Cap. 253, Revised Edition 2011)

33. Rights conferred by patent

(4.) The rights under the patent shall not extend to:

[...]

(b) the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Belize;

[...]

BENIN

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

BHUTAN

Section 13 (4) (a) (ii) of the Industrial Property Act of the Kingdom of Bhutan 2001

13. (4) (a): The rights under the patent shall not extend:

[...]

(ii) to the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Bhutan; or

[...]

BOLIVIA (PLURINATIONAL STATE OF)

The Decision № 486 of September 14, 2000 of the Commission of the Andean Community applies (See below)

BOSNIA AND HERZEGOVINA

Article 77 of the Law on Patents as of May 28, 2010

77. Vehicles in International Traffic

The use of products made according to a protected invention in the construction or equipment of a vessel, aircraft or land vehicle belonging to any of the Member States of the Paris Union or WTO shall not be considered a patent infringement where such transport means is temporarily or accidentally in the territory of Bosnia and Herzegovina, provided that the built-in product serves exclusively for the purposes of the said means of transport.

BOTSWANA

Section 25 (1) (b) of the Industrial Property Act, 2010 (Act № 8 of 2010)

25. (1) The rights conferred by a patent shall not extend to –

[...]

(b) the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Botswana;

[...]

BRUNEI DARUSSALAM

Section 64 (2) (d) (e) of the Patents Order, 2011

64. Meaning of infringement.

[...]

(2) An act which, apart from this subsection, would constitute an infringement of a patent for an invention shall not be so if –

[...]

(d) it consists of the use of a product or process in the body or operation of a relevant aircraft, hovercraft or vehicle which has temporarily or accidentally entered or is crossing Brunei Darussalam (including the air space above it and its territorial waters) or the use of accessories for such a relevant aircraft, hovercraft or vehicle;

(e) it consists of the use, exclusively for the needs of a relevant ship, of a product or process in the body of the ship or in its machinery, tackle, apparatus or other accessories, in a case where the ship has temporarily or accidentally entered the territorial waters of Brunei Darussalam;

[...]

BULGARIA

Article 20 (6) of the Law on Patents and Utility Models Registration (SG № 27/1993, as amended up to October 27, 2020)

20. The effect of the patent shall not cover:

[...]

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

[...]

BURKINA FASO

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

BURUNDI

Article 57 (2) of the Law No 1/13 of July 28, 2009, relating to Industrial Property in Burundi

57. The rights arising from the patent shall not cover:

[...]

2. use of goods on board aircraft, land vehicles or foreign vessels which enter temporarily or accidentally the airspace, territory or waters of Burundi;

[...]

CABO VERDE

Article 47 (d) (e) of the Industrial Property Code, 2007

47. The rights conferred by the patent shall not include:

[...]

(d) the use on board ships of other Member States of organizations of which Cape Verde is a member, of the subject matter of the patented invention in the body of the ship, in the machinery, in the masting, equipment and other accessories, when they temporarily or accidentally enter the waters of the country, provided that said invention is used exclusively for the purposes of the ship;

(e) the use of the subject matter of the patented invention in the construction or operation of air or land transport vehicles of other Member States of organizations of which Cape Verde is a member, or of accessories of those vehicles, when they temporarily or accidentally enter the national territory;

[...]

CAMBODIA

Article 44 (ii) of the Law on Patents, Utility Models and Industrial Designs

44. The rights under the patent shall not extend:

[...]

(ii) to the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of the Kingdom of Cambodia; or

[...]

CAMEROON

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

CANADA

Section 23 of the Patent Act (R.S.C., 1985, c. P-4) (as amended up to June 30, 2021)

23. Patented invention in vessels, aircraft, etc., of any country

23 No patent shall extend to prevent the use of any invention in any ship, vessel, aircraft or land vehicle of any country entering Canada temporarily or accidentally, if the invention is employed exclusively for the needs of the ship, vessel, aircraft or land vehicle, and not so used for the manufacture of any goods to be sold within or exported from Canada.

CENTRAL AFRICAN REPUBLIC

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

CHAD

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

CHILE

Article 49 (d) (e) of the Law Nº 19.039 of March 6, 2006 (Consolidated Law approved by Decree-Law Nº 4 of June 30, 2022, incorporating amendments up to Law Nº 21.355 of July 5, 2021)

Artículo 49

[...]

El derecho conferido por la patente no se extenderá:

[...]

d) Al empleo a bordo de navíos de otros países de medios que constituyan el objeto de la patente en el casco del navío, en las máquinas, aparejos, aparatos y demás accesorios, cuando dichos navíos penetren temporal o accidentalmente en aguas del territorio chileno, con la reserva de que dichos medios se empleen exclusivamente para las necesidades del navío.

e) Al empleo de medios que constituyan el objeto de la patente en la construcción o funcionamiento de los aparatos de locomoción aérea o terrestre de otros países o de los accesorios de dichos aparatos, cuando éstos penetren temporal o accidentalmente en territorio chileno.

CHINA

Article 75 (3) of the Patent Law of the People's Republic of China (as amended up to the Decision of December 27, 2008 regarding the Revision of the Patent Law of the People's Republic of China)

75. None of the following shall be deemed as infringement of the patent right:

[...]

(3) where any foreign means of transport, which temporarily passes through the territory, territorial waters or territorial airspace of China, uses the relevant patent in its devices or installations for its own needs in accordance with the agreements concluded between the country to which the foreign means of transport belongs and China, or in accordance with the international treaties to which both countries are parties, or on the basis of the principle of reciprocity;

[...]

HONG KONG, CHINA

Article 75 (d) (e) (f) of the Patents Ordinance 2017 (Chapter 514)

75. Limitation of effect of patent:

The rights conferred by a patent shall not extend to-

[...]

(d) the use of the invention which is the subject of the patent –

(i) on board vessels registered in any of the Paris Convention countries or WTO member countries, territories or areas, other than Hong Kong; or

(ii) in the body of such vessels, or in the machinery, tackle, gear or other accessories of such vessels, when such vessels temporarily or accidentally enter the territorial waters of Hong Kong, but only if the invention is used in such waters exclusively for the needs of the vessel;

(e) the use of the invention, which is the subject of the patent in the construction or operation of –

(i) aircraft, hovercraft or land vehicles of Paris Convention countries or WTO member countries, territories or areas, other than Hong Kong; or

(ii) such aircraft, hovercraft or land vehicle accessories, when such aircraft, hovercraft or land vehicles temporarily or accidentally enter Hong Kong;

(f) the use of an aircraft to which section 10(4) of the Civil Aviation Ordinance (Cap 448) applies which has lawfully entered or is lawfully crossing Hong Kong (including the air space above it and its territorial waters), or the importation into Hong Kong, or the use or storage there, of any part or accessory for such an aircraft.

COLOMBIA

The Decision No 486 of September 14, 2000 of the Commission of the Andean Community applies (See below)

COMOROS

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

CONGO

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

COOK ISLANDS

By virtue of section 635 (1) of the Cook Islands Act 1915 (version as at October 28, 2021), the New Zealand Patents Act 1953 applies.

635. Patents Act, Designs Act, Trade Marks Act, and Merchandise Marks Act in force in Cook Islands

(1) The Patents Act 1953, the Designs Act 1953, the Trade Marks Act 1953, and the Merchandise Marks Act 1954 shall apply to the Cook Islands in the same manner in all respects as if the Cook Islands were for all purposes part of New Zealand, and the term **New Zealand** as used in those Acts shall, both in New Zealand and in the Cook Islands, be construed as including the Cook Islands accordingly.

[...]

CROATIA

Article 101 (1) (2) of the Patent Act (NN 16/2020 in force from February 20, 2020)

101. (1) The use of products made according to a protected invention in a vessel belonging to a Member State of the Paris Union or the WTO, in a hull, machines, equipment, devices or other accessories, shall not be considered a patent infringement where such vessel finds itself temporarily or accidentally in the territorial waters of the Republic of Croatia, provided that the built-in product serves exclusively for the purposes of the said vessel.

(2) The use of products made according to a protected invention in the construction or operation of an aircraft, a land vehicle or other transport means belonging to a Member State of the Paris Union or the WTO shall not be considered a patent infringement where such transport means finds itself temporarily or accidentally in the territory of the Republic of Croatia, provided that the built-in product serves exclusively for the purposes of the said transport means.

CUBA

Article 47 (e) (f) of the Decree-Law No 290 of November 20, 2011 on Inventions and Industrial Designs

47. Los derechos conferidos por la patente no se extienden a:

[...]

e) el empleo del objeto de la invención patentada, a bordo de buques de países signatarios de los convenios internacionales para la protección de la propiedad industrial, en el casco del buque, en las máquinas, en los aparejos, aparatos y en los restantes accesorios, cuando estos penetren temporal o accidentalmente en el territorio cubano, siempre que el objeto de la invención sea utilizado exclusivamente para las necesidades del buque;

f) el empleo del objeto de la invención patentada en la construcción o en el funcionamiento de medias de locomoción aérea o terrestre, que pertenezcan a países signatarios de los convenios internacionales para la protección de la propiedad industrial o de los accesorios de los mismos, cuando esos medios de locomoción penetren temporal o accidentalmente en el territorio cubano; y

[...]

CZECH REPUBLIC

Section 18 (a) (b) of the Act No 527/1990 Coll. on Inventions and Rationalization Proposals (as amended up to Act. No 196/2017 Coll.)

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

(a) on board vessels of other contracting parties to the Paris Convention for the Protection of Industrial Property (hereinafter referred to as 'countries of the Union') to which the Czech Republic is a party, in the body of the vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the Czech Republic, provided that such use is exclusively for the needs of the vessel, or

b) in the construction or operation of aircraft or land vehicles of other countries of the Union, or of accessories of such aircraft or land vehicles, when those aircraft or land vehicles temporarily or accidentally enter the Czech Republic.

[...]

CÔTE D'IVOIRE

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Article 63 (3) of the Invention Law on Inventions of the Democratic People's Republic of Korea (as amended up to Decree № 507 of January 20, 2021 of the Presidium of the Supreme People's Assembly)

63. (Exceptions from Patent Infringement)

Exceptions from patent infringement shall be as follows.

[...]

(3) Where an invention is used for the purpose of the operation of foreign transport means passing or staying temporarily in our country

[...]

DENMARK

Section 5 (1) of the Consolidate Patents Act (Consolidate Act № 90 of January 29, 2019)

5. (1) Notwithstanding a patent having been granted for an invention, persons other than the proprietor of the patent may exploit the invention by the use of a foreign vehicle, vessel or aircraft during its temporary or accidental presence in this country.

DOMINICA

Section 33 (4) (b) of the Patents Act № 8 of October 7, 1999

33. Rights of owner of patent.

[...]

(4) The rights under the patent shall not extend to –

[...]

(b) the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Dominica;

[...]

ECUADOR

The Decision № 486 of September 14, 2000 of the Commission of the Andean Community applies (See below)

EGYPT

Article 10 (4) of the Law № 82 of 2002 on the Protection of Intellectual Property Rights

10.

[...]

The following shall not be considered as infringements of that right when carried out by third parties:

[...]

Use of the invention on a land vehicle, vessel or aircraft belonging to a country or entity member of the World Trade Organization, or a country that applies reciprocity to Egypt, when such a land vehicle, vessel or aircraft is temporarily or accidentally present in Egypt.

[...]

EL SALVADOR

Article 116 (a) of the Law on Intellectual Property (as amended up to Legislative Decree № 611 of February 15, 2017

116. The effects of the patent do not extend:

(a) To acts referred to in Article 5ter of the Paris Convention for the Protection of Industrial Property;

[...]

EQUATORIAL GUINEA

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

ESTONIA

Section 16 (1) (2) of the Patents Act (consolidated text of April 1, 2019)

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

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

1) the use of the patented invention on board of ships of other states (within the hull, machinery, rigging, radio-navigation equipment or other equipment) if such ships are temporarily or accidentally in the waters of the Republic of Estonia and the invention is used solely for the purposes of the ship;

2) the use of the patented invention within the construction or auxiliary equipment of aircraft or land vehicles of other countries, or in the operation of the vehicles or equipment if such vehicles are temporarily or accidentally in the Republic of Estonia;

[...]

ESWATINI

Section 12 (4) (b) of the Patents, Utility Models and Industrial Designs Act, 1997

12.

[...]

(4) The rights under the patent shall not extend to –

[...]

(b) the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Swaziland; or

[...]

ETHIOPIA

Section 25 (1) (d) of the Industrial Property Law (Proclamation) № 123 of May 10, 1995

25. Limitation of Rights.

1. The rights of the patentee shall not extend to:

[...]

d) the use of patented Articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter into the air space, territory, or waters of Ethiopia.

[...]

FINLAND

Section 5 of the Patents Act (Act № 550/1967 of December 15, 1967, as amended up to Act № 717/2016 of August 25, 2016)

Section 5

Notwithstanding the patent, an invention may be exploited on foreign vessels, aircraft or other means of transport for their own needs when temporarily entering Finland in regular traffic or otherwise.

The Government may decree that, notwithstanding the grant of a patent, spare parts and accessories for aircraft may be imported into the country and used here for the repair of aircraft belonging to a foreign State in which corresponding privileges are granted in respect of Finnish aircraft.

FRANCE

Article L613-5 (e) of the Intellectual Property Code (consolidated version as of June 30, 2022)

Article L613-5

Les droits conférés par le brevet ne s'étendent pas:

[...]

e) Aux objets destinés à être lancés dans l'espace extra-atmosphérique introduits sur le territoire français.

GABON

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

GAMBIA

Section 12 (4) (b) of the Industrial Property Act (Cap. 95:03)

12.

[...]

(4) The rights under the patent shall not extend –

[...]

(b) to the use of articles on aircrafts, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of The Gambia.

GEORGIA

Article 52 (c) of the Patent Law (as amended up to Law № 3235 of July 20. 2018)

52. Restriction of Exclusive Rights

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

[...]

(c) use of invention on board a foreign sea vessel, aircraft or land vehicle during its temporary presence on the territory of Georgia. In such cases, the invention shall be used only on board such a vehicle and not for entrepreneurial purposes;

[...]

GERMANY

Section 11 (4) (5) (6) of the Patent Act (as amended up to Act of August 30, 2021)

§ 11

The effect of a patent shall not extend to

[...]

4. the use of the patented invention on board vessels of another State party to the Paris Convention for the Protection of Industrial Property in the body of such vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters to which the territorial scope of this Act extends, provided that the patented invention is used there exclusively for the needs of the vessel;

5. the use of the patented invention in the construction or the operation of aircraft or land vehicles of another State party to the Paris Convention for the Protection of Industrial Property or the use of accessories to such aircraft or land vehicles when these temporarily or accidentally enter the territorial scope of this Act;

6. the acts specified in Article 27 of the Convention on International Civil Aviation of 7 December 1944 (Federal Law Gazette 1956 II p. 411) where these acts concern the aircraft of another State to which this article shall apply.

GHANA

Section 11 (4) (b) of the Patent Act of December 31, 2003 (Act 657)

11. Rights Conferred by Patent.

[...]

(4) The rights under the patent shall not extend to

[...]

(b) the use of articles on aircraft, vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Ghana; or

[...]

GREECE

Article 10 (2) (b) of the Law № 1733/1987 on Technology Transfer, Inventions and Technological Innovation

10. Contents of the right

[...]

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

[...]

b. The use of the invention built in an automobile, railway, vessel or airplane entering the Greek territory on a temporary basis;

[...]

GUATEMALA

Article 130 (e) of the Industrial Property Law, Decree № 57-2000 (as amended up to May 29, 2006)

130. Limitaciones al derecho a la patente.

La patente no dará el derecho a su titular de impedir los siguientes actos con respecto a la investigación patentada:

[...]

e) Actos a los que se hace referencia en el artículo 5 ter del Convenio de París para la Protección de la Propiedad Industrial.

[...]

GUINEA

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

GUINEA-BISSAU

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

GUYANA

Section 53 (1) (a) (b) (2) (3) of the Patents and Designs Act No 9 of 1937 (as amended up to Act No 13 of 1992)

53. (1) Subject to the provisions of this section, the rights of a patentee shall not be deemed to be infringed –

(a) by the use on board a foreign vessel of the patented invention in the body of the vessel or in the machinery, tackle, apparatus or other accessories thereof, if the vessel comes into the territorial jurisdiction waters of Guyana temporarily or accidentally only, and the invention is used exclusively for the actual needs of the vessel;

(b) by the use of the patented invention in the construction or working of a foreign aircraft or land vehicle or of the accessories thereof if the aircraft or vehicle comes into Guyana temporarily or accidentally only.

(2) This section shall apply only to vessels, aircraft and land vehicles of Guyana and to vessels, aircraft and land vehicles of a foreign state with respect to which the Minister by order declares that the laws thereof confer corresponding rights with respect to the use of inventions in vessels, aircraft and land vehicles of Guyana when coming into the foreign state or the territorial waters thereof.

The Minister may apply the provisions of this section to vessels, aircraft and land vehicles of any part of the Commonwealth outside Guyana in like manner as to vessels, aircraft and land vehicles of a foreign state.

(3) For the purposes of this section –

“vessels and aircraft” shall be deemed to be vessels and aircraft of the country in which they are registered, and land vehicles shall be deemed to be vehicles of the country within which the owners are ordinarily resident.

HUNGARY

Article 21 (5) of Act No XXXIII of 1995 on the Protection of Inventions by Patents (as amended up to Act No XXIV of 2022)

21.

[...]

(5) Subject to reciprocity, patent protection shall have no effect with respect to means of communication and transport which are in transit in the territory of the country or to foreign goods which are not intended to be put on the market in the country. The President of the Hungarian Intellectual Property Office shall be competent to give a ruling on matters of reciprocity.

ICELAND

Article 5 of the Patents Act № 17/1991 (as amended up to Act № 1460/2021)

5. Notwithstanding the grant of a patent, an invention may be utilized on a foreign vehicle, vessel or aircraft when such a means of transport is in this country temporarily or by chance. [The Minister] may decree that, notwithstanding the grant of a patent, spare parts and other accessories for aircraft may be imported into this country and used here for repair of aircraft of a foreign country in which corresponding privileges are granted to Icelandic aircraft.

INDIA

Section 49 (1) (2) of the Patents Act, 1970 (as amended up until June 23, 2017)

49. Patent rights not infringed when used on foreign vessels etc., temporarily or accidentally in India.

(1) Where a vessel or aircraft registered in a foreign country or a land vehicle owned by a person ordinarily resident in such country comes into India (including the territorial waters thereof) temporarily or accidentally only, the rights conferred by a patent for an invention shall not be deemed to be infringed by the use of the invention –

(a) in the body of the vessel or in the machinery, tackle, apparatus or other accessories thereof, so far as the invention is used on board the vessel and for its actual needs only; or

(b) in the construction or working of the aircraft or land vehicle or of the accessories thereof, as the case may be.

(2) This section shall not extend to vessels, aircrafts or land vehicles owned by persons ordinarily resident in a foreign country the laws of which do not confer corresponding rights with respect to the use of inventions in vessels, aircraft or land vehicles owned by persons ordinarily resident in India while in the ports or within the territorial waters of that foreign country or otherwise within the jurisdiction of its courts.

IRAN (ISLAMIC REPUBLIC OF)

Article 15 (c) (2) of the Patents, Industrial Designs and Trademarks Registration Act

15 – Rights Conferred by Patent shall be as follows:

[...]

c) The rights under the patent shall not include the following:

[...]

2. The use of articles on aircrafts, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Iran.

[...]

IRAQ

Article 34 of the Patents, Industrial Design, Undisclosed Information, Integrated Circuits and Plant Variety Law (Law No 65 of 1970 as amended by Coalition Provisional Authority Order No 81 of 2004)

34. Patentee's rights shall not be affected by the exploitation of the invention in land, sea or air means of transport belonging to any of the countries that are members of the Paris Convention for the Protection of Industrial Property or the World Trade Organization or that treat Iraq on a reciprocal basis, during their temporary or accidental existence in Iraq.

IRELAND

Section 42 (d) (e) (f) of the Patents Act No 1 of 1992

42. The rights conferred by a patent shall not extend to –

[...]

(d) the use on board vessels registered in any of the countries of the Union of Paris for the Protection of Industrial Property, other than the State, of the invention which is the subject of the patent, in the body of the vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the territorial waters of the State, provided that the invention is used in such waters exclusively for the needs of the vessel;

(e) the use of the invention which is the subject of the patent in the construction or operation of aircraft or land vehicles of countries of the Union of Paris for the Protection of Industrial Property, other than the State, or of such aircraft or land vehicle accessories when such aircraft or land vehicles temporarily or accidentally enter the State;

(f) the acts specified in Article 27 of the Convention on International Civil Aviation, where those acts concern the aircraft of countries, other than the State, benefiting from the provisions of that Article.

ISRAEL

Article 181 (1) (2) of the Patent Law, 5727-1967 (consolidated version of 2014)

181. Use of patents in foreign vessels, aircraft and vehicles

The following shall not be deemed infringements:

(1) the use of an invention patented in Israel in the body of a vessel registered in a Member State other than Israel, in its machinery, tackle, apparatus or other accessories, when the vessel is temporarily or incidentally in Israel territorial waters, on condition that the exploitation is exclusively for the needs of the vessel;

(2) the use of an invention patented in Israel in the construction or operation of an aircraft or land vehicle registered in a Member State other than Israel, or of the accessories of such an aircraft or land vehicle, when they are temporarily or incidentally in Israel.

ITALY

Article 68 (1) (c-bis) of the Industrial Property Code (Legislative Decree № 30 of February 10, 2005, as amended up to Law № 10829 of July 29, 2021)

68. Limitazioni del diritto di brevetto

1. La facoltà esclusiva attribuita dal diritto di brevetto non si estende, quale che sia l'oggetto dell'invenzione:

[...]

(c-bis) all'utilizzazione dell'invenzione brevettata a bordo di navi di altri Paesi dell'Unione internazionale per la protezione della proprietà industriale (Unione di Parigi) o di membri dell'Organizzazione mondiale del commercio, diversi dall'Italia, nel corpo della nave in questione, nelle macchine, nel sartiame, nell'attrezzatura e negli altri accessori, quando tali navi entrino temporaneamente o accidentalmente nelle acque italiane, purché l'invenzione sia utilizzata esclusivamente per le esigenze della nave, ovvero all'utilizzazione dell'invenzione brevettata nella costruzione o ai fini del funzionamento di aeromobili o di veicoli terrestri o altri mezzi di trasporto di altri Paesi dell'Unione internazionale per la protezione della proprietà industriale (Unione di Parigi) o di membri dell'Organizzazione mondiale del commercio, diversi dall'Italia, oppure degli accessori di tali aeromobili o veicoli terrestri, quando questi entrino temporaneamente o accidentalmente nel territorio italiano, ferme restando le disposizioni del codice della navigazione e quelle della Convenzione internazionale per l'aviazione civile, stipulata a Chicago il 7 dicembre 1944, resa esecutiva ai sensi del decreto legislativo 6 marzo 1948, n. 616, ratificato con legge 17 aprile 1956, n. 561;

[...]

JAMAICA

Section 64 (1) (f) (g) (h) of the Patents and Designs Act (Act № 1 of 2020)

64. Exception to infringement

(1) An act shall not constitute an infringement of a patent, if that act –

[...]

(f) consists of the use, exclusively for the needs of a relevant ship, of a product or process in the body of the ship or in its machinery, tackle, apparatus or other accessories, in a case where the ship has temporarily, or accidentally entered the internal or territorial waters of Jamaica;

(g) consists of the use of a product or process in the body or operation of an aircraft or vessel which has temporarily, or accidentally, entered or is crossing Jamaica (including the air space above it or its territorial waters) or the use of accessories for such an aircraft or vessel;

(h) consists of the use of an exempted aircraft which has lawfully entered or is lawfully crossing Jamaica, or of the importation into Jamaica or the use or storage in Jamaica of any part or accessory for such an aircraft; or

[...]

JAPAN

Article 69 (2) (i) of the Patent Act No 121 of April 13, 1959, as amended up to May 21, 2021)

69. Limitations of Patent Right.

[...]

(2) A patent right is not effective against the following products:

(i) vessels or aircraft merely passing through Japan, or machines, apparatus, equipment or other products used in them; and

[...]

KAZAKHSTAN

Article 12 (1) of the Law on Patents of the Republic of Kazakhstan No 427-I of July 16, 1999 (as amended up to Law No 268-VI of October 28, 2019)

12. Acts not recognized as infringements on the executive right of the patent owner

The following shall not constitute acts infringing the exclusive right of the patent owner:

1) the use in the construction or in the operation of transportation vehicles of foreign countries (river and marine, air, automobile and space crafts) of a product, incorporating a protected industrial property subject matter, provided that such transportation vehicles are located in the Republic of Kazakhstan temporarily or accidentally and that the said product is used solely for the needs of transportation vehicle. Such acts shall not constitute an infringement of the exclusive right of the patent owner that relate to the transportation vehicles belonging to the individuals and legal entities of foreign countries granting similar right to individuals and legal entities of the Republic of Kazakhstan;

[...]

KENYA

Section 58 (3) of the Industrial Property Act No 3 of July 27, 2001 (as amended up to Act No 18 of 2018)

58. Limitation of rights

[...]

(3) The rights under the patent shall not extend to the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Kenya.

[...]

KIRIBATI

By virtue of the Registration of United Kingdom Patents Ordinance, the United Kingdom Patents Act 1977 applies

KUWAIT

Article 51 of the Law No 4 of 1962 on Patents, Designs and Industrial Models (as amended up to Law No 3 of 2001)

51. The rights of a patentee are not derogated by the utilization of the invention in land, sea and air means of transport, belonging to one of the countries according Kuwait a reciprocity of treatment, when they are casually or temporarily in Kuwait.

KYRGYZSTAN

Article 13 (1) of the Law of the Kyrgyz Republic No 8 of January 14, 1998, on Patents (as amended up to Law No 55 of May 26, 2018)

13. Actions Not Considered as an Infringement of the Exclusive Right of the Patent Owner.

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

1) application of the means containing objects of industrial property protected by patents in the construction or during exploitation of transport facilities (sea-going, river, air, land and cosmic) of other countries under condition that said facilities temporarily or accidentally stay in the territory of the Kyrgyz Republic and are used for the needs of transport facility. Such actions shall not be considered as an infringement of the exclusive right of the patent owner if transport facilities belong to natural persons or legal entities of the countries that provide the same rights to the owners of transport facilities of the Kyrgyz Republic;

[...]

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Article 121 (4) (5) of the Law of Intellectual Property (as amended up to Law No38/NA of November 15, 2017)

121. Violations of industrial property are any acts as provided in Article 56 to 62 of this law without authorization from industrial property owner. The acts set forth in paragraph 1 above shall not constitute a violation of industrial property where>

[...]

4. the use on board vessels of other countries of devices forming the subject of a patent in the body of the vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters of the Lao PDR, provided that such devices are used in this country exclusively for the needs of the vessel;

5. the use of devices forming the subject of the patent in the construction or operation of aircraft or land vehicles of other countries, or of accessories of such aircraft or land vehicles, when those aircraft or land vehicles temporarily or accidentally enter the Lao PDR;

[...]

LATVIA

Section 20 (5) of the Patent Law (as amended up to June 15, 2021)

20. Limitations of Exclusive Rights Resulting from a Patent

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

[...]

5) the use of the invention in the construction or exploitation of such a foreign vehicle which temporarily or accidentally is located in the territory of Latvia if the invention is used only for the vehicle;

[...]

LESOTHO

Article 13(3) (b) of the Industrial Property Order (Order No 5 of 1989, as amended up to Act No 4 of 1997)

13.

[...]

(3) The rights under the patent shall not extend,

[...]

(b) to the use of articles on aircraft, land vehicles, or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Lesotho; or

[...]

LIBERIA

Section 13.11 (b) (viii) of the Act to Repeal an Act Adopting a New Copyright Law of the Republic of Liberia approved on July 23, 1997; and the Industrial Property Act of Liberia approved on March 20, 2003, constituting Title 24 of the Liberian Code of Laws Revised, and to enact in their stead a New Title 24 to be known as the "Liberia Intellectual Property Act, 2016"

§13.11. Rights Conferred by the Patent; Limitations and Exceptions.

[...]

b) The rights under a patent may not be used to prevent:

[...]

viii. the use of the invention in the body or gear of aircraft, land vehicles or vessels that temporarily or accidentally enter the jurisdiction of Liberia, or the importation of spare parts or accessories for the purpose of repairing such aircraft, vehicles or vessels;

[...]

LIBYA

Article 50 of the Patents and Industrial Designs and Models Law (Law No 8 of 1959)

50: The use of the invention in land, marine and airway transportation means related to one of the countries that deals with Libya on reciprocal basis shall not affect the rights of patent owner, in case of its existence in Libya in a temporary or casual manner.

LIECHTENSTEIN

The Switzerland Federal Act of June 25, 1954 on Patents for Inventions (status as of January 1, 2022) applies (see below)

LITHUANIA

Article 41 of the Patent Law No I-372 of January 18, 1994 (as amended up to Law No XIII-2734 of December 19, 2019)

41. Patent proprietor's rights with respect to foreign means of transport

The following shall not be considered the violation of the rights of the proprietor of the patent:

(1) the use of the means, which are the subjects of the patent, on any foreign vessel, temporarily or accidentally entering the waters of the Republic of Lithuania provided that such means shall be used exclusively for the needs of the vessel;

2) the use of the means which are the subjects of the patent in the construction of foreign air or land carriers or the exploitation of these means, as well as their use in supplementary constructions thereof, when such means of transport temporarily or accidentally enter the Republic of Lithuania.

LUXEMBOURG

Article 47 (d) (e) (f) of the Law of July 20, 1992, on the Changes in the System for Patents for Invention (as amended up to the Law of December 18, 2009)

47. Limitation of the Effects of the Patent.

The rights afforded by the patent shall not extend to:

[...]

(d) use on board vessels of countries of the Paris Union for the Protection of Industrial Property other than Luxembourg of the subject matter of the patented invention in the body of the vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters of Luxembourg, provided that such devices are used there exclusively for the needs of the vessel;

(e) use of the subject matter of the patented invention in the construction or operation of aircraft or land vehicles of countries of the Paris Union for the Protection of Industrial Property other than Luxembourg or of accessories of such aircraft or land vehicles, when those aircraft or land vehicles temporarily or accidentally enter Luxembourg territory;

(f) acts referred to in Article 27 of the Convention on International Civil Aviation of December 7, 1944 when those acts concern the aircraft of a State other than Luxembourg to which the provisions of that Article apply.

MADAGASCAR

Article 30 (3) of the Ordinance No 89-019 of July 31, 1989, establishing Arrangements for the Protection of Industrial Property

30.

(3) The rights deriving from a patent or an inventor's certificate shall not extend to the presence or use of products on board foreign vessels, space vehicles, aircraft or land vehicles that temporarily or accidentally enter the waters, air space or land of the country.

MALAWI

Section 9 (1) (a) (b) (2) of the Malawi Patents Act (Chapter 49:02)

9. Special provisions as to vessels, aircraft and land vehicles

(1) Where a vessel or aircraft registered in a convention country or a land vehicle owned by a person ordinarily resident in such a country comes into Malawi temporarily or accidentally only, the rights conferred by a patent for an invention shall not be deemed to be infringed by the use of the invention—

(a) in the body of the vessel or in the machinery, tackle, apparatus or other accessories thereof, so far as the invention is used on board the vessel and for its actual needs only; or

(b) in the construction or working of the aircraft or land vehicle or of the accessories thereof, as the case may be.

(2) This section shall not affect any Act which exempts any or any class of aircraft from seizure on patent claims.

MALAYSIA

Section 37 (3) of the Patents Act of 1983 (as amended up to Act A1264)

37. Limitation of rights.

[...]

(3) The rights under the patent shall not extend to the use of the patented invention on any foreign vessel, aircraft, spacecraft or land vehicle temporarily in Malaysia. [Am. Act A648: s.21]

[...]

MALI

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

MALTA

Article 27 (6) (e) (f) of the Patents and Designs Act (chapter 417) of June 01, 2002 (as amended up to Act XXX of 2014)

27. Rights conferred by a patent.

[...]

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

[...]

(e) when the use of the patented invention is on board vessels of the countries of the Union of Paris for the Protection of Industrial Property in the body of the vessel, in the machinery tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters of Malta, provided that the invention is used exclusively for the needs of the vessel;

(f) when the use of that patented invention is in the construction or operation of aircraft or land vehicles of countries of the Union of Paris for the Protection of Industrial Property or of accessories to such aircraft or land vehicles when such aircraft or vehicles temporarily or accidentally enter the territory of Malta.

[...]

MAURITANIA

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

MAURITIUS

Section 21 (2) (b) of the Industrial Property Act (Act № 15 of 2019)

21. Rights conferred by patent

[...]

(2). The rights conferred by the grant of a patent shall not extend to –

[...]

(b) the use of articles on aircrafts, land vehicles or vessels of other States which temporarily or accidentally enter the airspace, territory or waters of Mauritius;

[...]

MEXICO

Article 57 (v) of the Federal Law on the Protection of Industrial Property

57. El derecho que confiere una patente no producirá efecto alguno contra:

[...]

V. El empleo de la invención en vehículos de transporte de otros países que formen parte de ellos, cuando éstos se encuentren en tránsito en territorio nacional;

[...]

La realización de cualquier actividad contemplada en el presente artículo no constituirá infracción administrativa o delito en los términos de esta Ley.

MONGOLIA

Article 48.1.3. of the Patents Law of May 6, 2021

48. дугаар зүйл. Патентын эрхийн зөрчилд тооцохгүй үйлдэл

48.1. Патентаар хамгаалагдсан шинэ бүтээл, ашигтай загвар, бүтээгдэхүүний загварыг дараах байдлаар ашигласныг патент эзэмшигчийн онцгой эрхийн зөрчилд тооцохгүй:

[...]

48.1.3. Монгол Улсын нутаг дэвсгэрт түр орж ирсэн гадаад улсын тээврийн хэрэгсэлд хэрэглэх;

[...]

MONTENEGRO

Article 56 of the Law on Patents

56. A patent shall have no effect against a person who uses devices made on the basis of a protected invention where such devices constitute an element in the structure or equipment of a vessel, aircraft or land vehicle or serve exclusively for the operation of such vessel, aircraft or land vehicle belonging to a state that is a party to the Paris Convention or member of WTO, when it enters the territory of Montenegro temporarily or accidentally.

MOROCCO

Article 55 (f) of the Law No 17-97 on the Protection of Industrial Property (as amended up to Law No 23-13)

55. The rights afforded by a patent shall not extend to:

[...]

(f) the use of patented subject matter on board aircraft, land vehicles or vessels of member countries of the International Union for the Protection of Industrial Property which temporarily or accidentally enter the airspace, the territory or the territorial waters of Morocco

[...]

MOZAMBIQUE

Article 75 (c) of the Industrial Property Code (approved by Decree No 47/2015 of December 31, 2015)

75. Limitation of the rights derived from a patent

The rights of the patent holder shall not extend to the following:

[...]

c) The use of products on board foreign aircraft, vehicles or vessels which temporarily or accidentally enter the air space, territory or territorial waters of Mozambique;

[...]

MYANMAR

Article 54 (c) of the Patents Law (Law No 7/2019 OF MARCH 11, 2019)

54. The patent rights shall not extend to the followings:

[...]

(c) acts of using the articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter into the territory of the State;

[...]

NAMIBIA

Section 43 (1) (b) of the Industrial Property Act, 2012 (Act No 1 of 2012)

43. Limitations of rights.

(1) The following acts do not constitute an infringement of the rights under a patent, namely –

[...]

(b) the use of patented inventions on aircraft, land vehicles, or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Namibia;

[...]

NAURU

Section 18 (1) (a) (b) of the Patents Registration Act of 1973 (as amended up to the Revised Written Laws Act of 2021)

18. Special provisions as to vessels and aircraft

(1) Where a vessel or aircraft registered in a country other than the Republic comes into the Republic, including the territorial waters, temporarily or accidentally only, the privileges and rights conferred by the registration of a patent for an invention shall not be deemed to be infringed by the use of the invention:

(a) in the body of the vessel or in the machinery, tackle, apparatus or other accessories, so far as the invention is used on board the vessel and for its actual needs only; or

(b) in the construction or working of the aircraft or of the accessories, as the case may be.

NETHERLANDS

Article 54 of the State Patent Act 1995

54. The exclusive right of the patent owner shall not include:

(a) the use on board vessels of other countries of the subject matter of the patent in the body of the vessel or in the machinery, rigging, tackle and other accessories thereof when such vessels are in the waters of the Netherlands or Netherlands Antilles temporarily or accidentally, provided that the use is for the actual needs of the vessel only;

(b) the use of the subject matter of the patent in the construction or operation of aircraft or land vehicles or of the accessories of such aircraft or land vehicles belonging to other countries, when such aircraft or land vehicles are in the Netherlands or Netherlands Antilles temporarily or accidentally; or

(c) the acts specified in Article 27 of the Chicago Convention on International Civil Aviation of 7 December 1944 (Dutch Bulletin of Acts and Decrees, 1947, H 165), provided that those acts relate to aircraft of a State other than the Kingdom or Aruba as mentioned under (c) in that Article.

NEW ZEALAND

Section 144 of the Patents Act 2013 (Version as at 24 January, 2023)

144 No infringement by use in or from foreign vessels, aircraft, or vehicles

(1) It is not an infringement of a patent if—

(a) an invention is used—

(i) on board a foreign vessel, in the body of a foreign vessel, or in a foreign vessel's machinery, tackle, apparatus, or other accessories, and the invention is used for the vessel's actual needs only; or

(ii) in the construction or working of a foreign aircraft or foreign land vehicle or of a foreign aircraft's or foreign land vehicle's accessories; and

(b) the vessel, aircraft, or land vehicle comes into the patent area accidentally or only temporarily.

(2) In this section, **foreign** means—

(a) registered in a convention country, in the case of a vessel or aircraft; or

(b) owned by a person resident or incorporated in a convention country, in the case of a land vehicle.

NICARAGUA

Article 46 (b) of the Law on Patents, Utility Models and Industrial Design (No 354 of September 19, 2000)

46. Limitation of Patent Rights.

A patent shall not confer the right to prohibit the following acts:

[...]

(b) those performed exclusively for teaching or scientific or academic research purposes in relation to the subject matter of the patented invention, and those referred to in Article 5ter of the Paris Convention for the Protection of Industrial Property;

[...]

NIGER

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

NIUE

By virtue of section 637 of the Niue Act 1966 (reprinted as at December 31, 2019), patent protection as enforceable in New Zealand applies.

637. Protection of intellectual property

(1) A copyright, design, patent, or trademark protected by New Zealand law shall be accorded the same protection by the courts of Niue as that available in New Zealand under the laws of New Zealand for the time being in force.

[...]

NORTH MACEDONIA

Article 95 of the Law on Industrial Property adopted on January 12, 2009

95. Exemption from the infringement of the patent right

It shall not be considered as infringement of the exclusive rights to the patent holder if the subject of the invention relates to products manufactured according to the patent used in the construction or the equipment of ships, aircrafts or land vehicles that belong to any of the states of the Paris Union or the WTO, if such a means of transportation is temporarily or suddenly in the territory of the Republic of Macedonia, provided that the mounted product serves exclusively for the needs of that vehicle.

NORWAY

Section 5 of the Patents Act (Act No 9 of December 15, 1967, as amended up to July 1, 2019) and Section 101 of the Patent Regulations (Regulations No. 1417 of December 14, 2007, to the Norwegian Patents Act)

5. An invention may, notwithstanding a patent, be utilized on a foreign vehicle, vessel or aircraft in connection with the use of such means of transportation during their temporary or accidental stay in this country.

Where a foreign country grants similar rights in respect of Norwegian aircraft, the King may provide that, notwithstanding a patent, spare parts and accessories for aircraft may be imported into and used in this country for the repair of aircraft belonging to that country.

101. Notwithstanding any granted patent, spare parts and accessories for aircraft may be imported into Norway and used in Norway for the repair of aircraft registered in a foreign state that is a party to the Convention on International Civil Aviation of December 7, 1944 (the Chicago Convention) and that is either a party to the Paris Convention on Protection of Intellectual Property of March 20, 1883, or has patent legislation that recognises inventions made by nationals of another state that is a party to the Chicago

Convention and that provides such inventions with a level of protection that is essentially in conformity with the protection provided under the Paris Convention.

OMAN

Article 11 (4) (B) of the Industrial Property Rights Law (promulgated by the Royal Decree № 67/2008)

11.

[...]

4 - The rights under the patent shall not extend:

[...]

B) to the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Oman; or

[...]

PAKISTAN

Section 30 (5) (b) of the Patents Ordinance, 2000 (Ordinance № LXI of 2000, as amended up to Act № XXIV of 2016)

30. Rights conferred by patent.

[...]

(5) The rights under the patent shall not extend to –

[...]

(b) the use of articles on an aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Pakistan;

[...]

PAPUA NEW GUINEA

Section 29 (4) (b) of the Patents and Industrial Designs Act 2000

29. Rights conferred by a patent.

[...]

(4) The rights of an owner of a patent shall not extend to –

[...]

(b) the use of articles on, or in the construction or operation of, aircraft, land, vehicles or vessels of other countries which temporarily or accidentally enter the air space, territory or waters of Papua New Guinea; or

[...]

PERU

The Decision No 486 of September 14, 2000 of the Commission of the Andean Community applies (See below).

PHILIPPINES

Section 72.6. of the Intellectual Property Code of the Philippines (Republic Act No 8293) (2015 Edition)

72. Limitations of Patent Rights.

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

[...]

72.6. Where the invention is used in any ship, vessel, aircraft, or land vehicle of any other country entering the territory of the Philippines temporarily or accidentally: Provided, That such invention is used exclusively for the needs of the ship, vessel, aircraft, or land vehicle and not used for the manufacturing of anything to be sold within the Philippines. (Secs. 38 and 39, R.A. No 165a)

POLAND

Article 69 (1) (i) of the Act of June 30, 2000, on Industrial Property (as amended up to Act of February 13, 2020)

69.

1. The following shall not be considered acts of infringement of a patent:

(i) the exploitation of an invention concerning means of transport or their parts or accessories, temporarily located in the territory of the Republic of Poland, or concerning articles which are in transit through its territory;

[...]

PORTUGAL

Article 103 (1) (e) (f) (g) of the Industrial Property Code (approved by Decree-Law No 110/2018 of December 10, 2018 and amended by Decree-Law No 9/2021 of January 29, 2021)

103. Limitation of rights conferred by a patent

1. The rights conferred by a patent do not extend to:

[...]

e) Use on board ships from other countries belonging to the Union or WTO of a patented invention in the hull, machinery, rigging, gear or other accessories of the ship, if they temporarily or accidentally enter the waters of the country, provided that said invention is used exclusively to serve the ship's needs;

f) The use of a patented invention in the construction or operation of aircraft or land vehicles of other countries belonging to the Union or WTO or their accessories if they temporarily or accidentally enter national territory;

g) The acts set forth in Article 27 of the Convention of 7 December 1944 concerning international civil aviation if they have regard to aircraft from another state to which the provisions of said article apply;

[...]

QATAR

The Patent Regulations of the Gulf Cooperation Council, February 24 1999, applies (see below)

REPUBLIC OF KOREA

Article 96 (1) (2.) of the Patent Act No 950 of December 31, 1961 (as amended up to Act No 17730 of December, 2020)

96. (Limitations on Effects of Patents)

(1) The effects of a patent shall not extend to the following:

[...]

2. Ships, aircraft, vehicles merely passing through the Republic of Korea, or machines, instruments, equipment, or other articles used therein;

[...]

REPUBLIC OF MOLDOVA

Article 22 (1) (d) (e) of the Law No 50-XVI of March 7, 2008 on the protection of Inventions (as amended up to Law No 254 of December 1, 2017)

22. Limitation of Effects of a Patent

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

[...]

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

e) use of the subject-matter of the patented invention in the construction or operation of foreign aircraft or land vehicle or other means of transport of a State party to the international conventions in the field of inventions to which the Republic of Moldova is also party, or in the manufacture of spare parts for such vehicles when such means of transport temporarily or accidentally enter the territory of the Republic of Moldova;

[...]

ROMANIA

Article 33 (1) (a) of the Patent Law № 64/1991 (as amended up to Law № 83/2014)

33. (1) The following acts shall not constitute infringements of the rights provided in Art. 31 and Art. 32:

a) exploitation of inventions in the construction and the operation of land vehicles or aircrafts and aboard vessels, or in devices used in the operation thereof, that belong to States party to international treaties and conventions concerning inventions to which Romania is also a party, when the vehicles, crafts or vessels enter the territory of Romania, either temporarily or accidentally, provided that such exploitation is exclusively for the needs of the vehicles, crafts or vessels;

[...]

RUSSIAN FEDERATION

Article 1359 (1) of the Civil Code of the Russian Federation (Part Four, as amended up to July 25, 2022)

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

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

1) the use of a product in which the invention or utility model is used, and the use of an article in which the industrial design is used, in the design, in auxiliary equipment or in the operation of vehicles (water, air, road and rail means of transport) or spacecraft of foreign states, provided these vehicles or spacecraft are temporarily or incidentally located on the territory of the Russian Federation and the said product or article is used solely for the needs of the vehicles or spacecraft. Such action shall not be deemed an infringement of the exclusive right in respect of vehicles or spacecraft of the foreign states that grant the same rights in respect of the vehicles or spacecraft registered in the Russian Federation;

[...]

RWANDA

Article 41 (1°) of the Law № 31/2009 of 26/10/2009 on the Protection of Intellectual Property

41: Other limitations to patent rights

The rights stemming from the patent shall not be extended to:

1° the use of the patented invention on board foreign machines, vessels, vehicles and spacecraft which temporarily or accidentally enter the airspace, waters or territory of the Republic of Rwanda;

[...]

SAINT KITTS AND NEVIS

Section 32 (4) (b) of the Patents Act, Chapter 18.25 (Revised Edition showing the law as at December 31, 2022)

32. Rights conferred by a patent.

[...]

(4) The rights in a patent referred to in subsection (3) of this section shall not extend to

[...]

(b) the use of articles on an aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Saint Christopher and Nevis;

[...]

SAINT LUCIA

Section 62 (2) (d) of the Patents Act № 16 of August 27, 2001

62. Meaning of infringement

[...]

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

[...]

(d) it consists of the use of a product or process in the body or operation of a relevant aircraft, hovercraft or vehicle which has temporarily or accidentally entered or is crossing Saint Lucia, (including the air space above it and its territorial waters, or the use of accessories for such a relevant aircraft, hovercraft or vehicle;

[...]

SAINT VINCENT AND THE GRENADINES

Section 27 (1) (d) of the Patents Act (Act No 39 of 2004)

27. Limitation of effect of patent

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

[...]

(d) the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, the territory or territorial waters of Saint Vincent and the Grenadines. [...]

SAMOA

Section 12 (5) (b) and 27 (5) (b) of the Intellectual Property Act 2011 (Act No 9 of 2011)

12. Rights conferred by patent

[...]

(5) The rights under the patent do not extend:

[...]

(b) to the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Samoa; and

[...]

27. Rights conferred by innovation patent

[...]

(5) The rights under the innovation patent do not extend:

[...]

(b) to the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Samoa; or

[...]

SAN MARINO

Article 28 (10) (d) of the Law No 79 of 25 May 2005 – Industrial Property Consolidation Act

28. Rights conferred by the patent

[...]

10. The exclusive rights conferred by a San Marino patent do not cover:

[...]

d) use of items on board of air or terrestrial vehicles or ships of other countries temporarily or accidentally penetrating the airspace, the territory or the waters of the Republic of San Marino.

[...]

SAO TOME AND PRINCIPE

Article 105 (1) (d) (e) of the of the Intellectual Property Code (approved by Decree-Law № 23/2016)

105. Limitation of the rights derived from a patent

1. The rights conferred by the patent do not cover:

[...]

d) the use on board vessels of member countries of organizations of which São Tomé and Príncipe is a party, of the subject matter of the patented invention in the body of the vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters of the said country, provided that such devices are used there exclusively for the needs of the vessel;

e) the use in the construction or operation of aircraft or land vehicles, or their parts or accessories, of member countries of organizations of which São Tomé and Príncipe is a party, of the subject matter of the patented invention, when such vehicles, temporarily or accidentally, enter the national territory;

[...]

SAUDI ARABIA

Article 51 of the Implementing Regulations of the Law of Patents, Layout-Designs of Integrated Circuits, Plant Varieties, and Industrial Designs (as amended up to Decision of the Board of Directors of Saudi Authority for the Intellectual Property № 5/8/2019 of May 9, 2019)

51. The following shall not be deemed infringement on a patent:

(1) Use of means subject of a patent aboard ships of other countries of the Paris Union, whether in the body of the ship, or its machines, equipment or in any parts thereof when the ship temporarily or incidentally enters the Kingdom's territorial waters, provided that such use is limited to ship needs.

(2) Use of equipment subject of a patent in the construction or operation of air or land vessels, or their spare parts, belonging to another country of the Paris Union, when such vessels enter the Kingdom temporarily or incidentally.

SENEGAL

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

SERBIA

Article 24 of the Law on Patents of January 4, 2012 (Official Gazette of the Republic of Serbia № 99/2011, 113/2017, 95/2018, 66/2019 and 123/2021)

24. Limitation of Rights to Facilitate International Traffic

A patent or petty patent shall have no effect against a person who uses devices made on the basis of a protected invention where such devices constitute an element in the structure or equipment of a vessel, aircraft or land vehicle or which serve exclusively for the operation of such vessel, aircraft or land vehicle belonging to a Member State to the Paris Union or member of the World Trade Organization (hereinafter: WTO) when it enters the territory of The Republic of Serbia temporarily or accidentally.

SEYCHELLES

Section 19 (c) of the Industrial Property Act 2014 (Act № 7 of 2014)

19. Limitations of right

The rights of the patentee shall not extend to –

[...]

(c) the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the air space, territory or waters of Seychelles;

[...]

SIERRA LEONE

Section 23 (1) (b) of the Patents and Industrial Design Act, 2012 (Act № 10 of 2012)

23. Limitation of rights

(1) The rights under the patent shall not extend-

[...]

(b) to the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Sierra Leone;

[...]

SINGAPORE

Section 66 (2) (d) (e) (f) and (7) of the Patents Act (Chapter 221, 2020 Revised Edition, as amended up to and including December 1, 2021)

66. Meaning of infringement

[...]

(2) An act which, apart from this subsection, would constitute an infringement of a patent for an invention shall not be so if —

[...]

(d) it consists of the use of a product or process in the body or operation of a relevant aircraft, hovercraft or vehicle which has temporarily or accidentally entered or is crossing Singapore (including the air space above it and its territorial waters) or the use of accessories for such a relevant aircraft, hovercraft or vehicle;

(e) it consists of the use, exclusively for the needs of a relevant ship, of a product or process in the body of the ship or in its machinery, tackle, apparatus or other accessories, in a case where the ship has temporarily or accidentally entered the territorial waters of Singapore;

(f) it consists of the use of an exempted aircraft which has lawfully entered or is lawfully crossing Singapore as mentioned in paragraph (d) or of the importation into Singapore, or the use or storage, of any part or accessory for that aircraft;

[...]

In this section —

[...]

“exempted aircraft” means an aircraft to which section 30 of the Air Navigation Act 1966 applies;

“relevant ship” and “relevant aircraft, hovercraft or vehicle” mean, respectively, a ship and an aircraft, a hovercraft or a vehicle registered in, or belonging to, any country, other than Singapore, which is —

- (a) a party to the Paris Convention; or
- (b) a member of the World Trade Organisation.

SLOVAKIA

Section 18 (1) (a) (b) (c) of the Act No 435/2001 Coll. on Patents, Supplementary Protection Certificates and Amendment of Some Acts [Patent Act (as amended up to Act No 291/2018 Coll.)]

18.

(1) Rights of a patent owner shall not be infringed if an invention is exploited:

(a) on board vessels of other states which are contracting parties to an international convention or parties to the World Trade Organisation (hereinafter referred to as “Union countries”) to which the Slovak Republic is a contracting party, in a body of a vessel, machinery, tackle, gear and other accessories, if these vessels temporarily or accidentally enter the territory of the Slovak Republic provided an invention is used exclusively for needs of a vessel,

(b) in construction or operation of aircrafts or land vehicles of the Union countries, or in their components or other accessories when they temporarily or accidentally enter the territory of the Slovak Republic,

(c) when conducting activities pursuant to an international convention if these activities relate to an aircraft of a state benefiting from advantages of this convention,

[...]

SLOVENIA

Article 19 (d) (e) (f) of the Industrial Property Act (ZIL-1) (as amended up to March 29, 2020)

19. Limitation of patent rights

The rights referred to in Article 18 of this Act shall not apply to:

[...]

d) the use of the subject of patented invention on the ships of other countries, in the ship's hull, machinery, block and tackle, deck gear and other apparel, when such ships temporarily or accidentally enter the waters of the Republic of Slovenia, provided that the invention is used there exclusively for the needs of the ship;

e) the use of the patented invention in the construction or operation of aircraft or land vehicles of other countries, or in the accessories of such aircraft or vehicles, when these aircraft or vehicles temporarily or accidentally enter the territory of the Republic of Slovenia;

f) the acts specified in Article 27 of the Convention on International Civil Aviation of 7 December 1944 (Official Gazette of the Federal People's Republic of Yugoslavia – International Treaties [Uradni list FLRJ – MP], Nos 3/54, 5/54, 9/61, 5/62, 11/63, 49/71, 62/73, 15/78 and 2/80, and Official Gazette of the Republic of Slovenia – International Treaties [Uradni list RS – MP], No. 9/92), if these acts concern the aircraft of a country to which the provisions of the aforementioned Article of the convention applies.

SOLOMON ISLANDS

By virtue of the Registration of United Kingdom Patents Act, the United Kingdom Patents Act 1977 applies

SOUTH AFRICA

Section 71 of the Patents Act 1978 (Act No 57 of 1978, as amended up to Patents Amendment Act 2002)

71. Special provisions as to vessels, aircraft and land vehicles of convention countries.

(1) Subject to the provisions of this section, the rights of a patentee shall not be deemed to be infringed

—

(a) by the use on board a convention vessel of the patented invention in the body of the vessel or in the machinery, tackle, apparatus or other accessories thereof, if the vessel comes into the territorial waters of the Republic, temporarily or accidentally only, and the invention is used exclusively for the actual needs of the vessel; or

(b) by the use of the patented invention in the construction or working of a convention aircraft or land vehicle or accessories thereof if the aircraft or vehicle comes into the Republic temporarily or accidentally only.

(2) For the purposes of this section, vessels and aircraft shall be deemed to be vessels and aircraft of the country in which they are registered, and land vehicles shall be deemed to be vehicles of the country within which the owners are ordinarily resident.

SPAIN

Article 61 (1) (e) (f) (g) of the Law No 24/2015 of July 24, 2015 on Patents (as amended by Law No 6/2018, of July 3, 2018)

61. General limits and exhaustion of patent rights

1. The rights conferred by the patent do not extend:

[...]

e) To the use of the subject matter of the patented invention on board vessels of member countries of the Paris Union for the protection of industrial property, in the hold, machinery, rigging, apparatus or other equipment of those vessels, when they temporarily or accidentally enter Spanish waters, provided that the subject matter of the invention is used exclusively for the vessel's needs.

f) To the use of the subject matter of the patented invention in the construction or operation of means of air or land transport belonging to member countries of the Paris Union for the protection of industrial property or related equipment, when such means of transport temporarily or accidentally enter Spanish territory.

g) To the acts provided for in Article 27 of the International Convention on Civil Aviation, of December 7, 1944, where such acts concern aircraft of a State to which the provisions of that article apply.

[...]

SRI LANKA

Section 86 (1) (iii) of the Intellectual Property Act No 36 of 2003 (as amended up to Act No 8 of 2022)

86. Limitation of owner's rights

(1) The provisions of section 84 shall –

[...]

(iii) not extend to the presence or use of products on foreign vessels, aircraft, spacecraft, or land vehicles which temporarily or accidentally enter the waters, airspace or territory of Sri Lanka;

[...]

SWEDEN

Article 5 of the Patent Act No 837 of 1967 (as amended up to Act (2020:541))

5. Notwithstanding a patent, an invention may be used on a foreign vessel, aircraft, or other foreign means of communication for its own needs when it temporarily enters this country in regular traffic or otherwise. The Government may prescribe that spare parts and accessories to an aircraft may, notwithstanding a patent, be imported into this country and used here for the repair of an aircraft domiciled in a foreign country in which corresponding privileges are granted to a Swedish aircraft (Act 1977:700).

SWITZERLAND

Article 35 (3) of the Federal Patents Act of June 25, 1954 (status as of January 1, 2022)

35.

[...]

3. A patent has no effect with regard to vehicles which are only temporarily in Switzerland, nor to equipment attached to these vehicles.

TAJIKISTAN

Article 30 of the Law of the Republic of Tajikistan No 17 of February 28, 2004 on Inventions (as amended up to Law No 956 of March 19, 2013)

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

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

- use of the devices incorporating inventions protected by patents or petty patents in the construction or operation of (land, air, water) vehicles of other countries if such vehicles entered the territory of the Republic of Tajikistan on a temporary basis or by accident and such devices are used for the needs of a vehicle. No such action shall be deemed to constitute an infringement of the patent owner's exclusive rights, provided that the vehicles concerned are owned by natural persons or legal entities of countries granting reciprocal rights to vehicle owners of the Republic of Tajikistan;

[...]

THAILAND

Section 36 (5) (6) of the Patent Act B.E. 2522 of March 11, 1979 (as amended up to Patent Act B.E. 2542 of 1999)

36.

[...]

The preceding paragraph shall not apply to:

(5) the use of a device forming the subject of a patent in the body of a vessel or other accessories of a vessel of a country party to an international convention or agreement on patent protection to which Thailand is also party, when such a vessel temporarily or accidentally enters the waters of Thailand, provided that such a device is used there exclusively for the needs of the vessel;

(6) the use of a device forming the subject of a patent in the construction or other accessories of an aircraft or a land vehicle of a country party to an international convention or agreement on patent protection to which Thailand is also party, when such aircraft or land vehicle temporarily or accidentally enters Thailand;

[...]

TOGO

The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015 applies (see below)

TONGA

Section 13 (4) (b) of the Industrial Property Act No 19 of 1994 (2020 revised edition)

13. Rights conferred by patent; exploitation by Government or person thereby authorized

[...]

(4) The rights under the patent shall not extend –

[...]

(b) to the use of articles on aircraft, land vehicles, or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Tonga;

[...]

TRINIDAD AND TOBAGO

Section 42 (d) of the Patent Act № 21 of 1996 (Chap. 82:76, as last amended by the Act № 54 of 2000)

42. Limitation of effect of patent.

The rights conferred by a patent shall not extend to –

[...]

(d) the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, the territory or territorial waters of Trinidad and Tobago.

TUNISIA

Article 47 (f) of the Patents Act № 2000-84 of August 24, 2000

47. The rights conferred by the patent shall not extend to the following:

[...]

(f) use of objects on board foreign aircraft, land vehicles or waterborne vessels that temporarily or accidentally penetrate the air space, territory or territorial waters of the Tunisian Republic.

TURKMENISTAN

Article 13 (1) of the Law on the Legal Protection of Inventions (№ 629-V of November 4, 2017)

13. Действия, не признаваемые нарушением исключительного права патентообладателя

Не признаётся нарушением исключительного права патентообладателя:

(1) применение продукта или изделия, в котором использовано запатентованное изобретение, в конструкции, во вспомогательном оборудовании или при эксплуатации транспортных средств иностранных государств (водного, воздушного, автомобильного, железнодорожного транспорта и космической техники) при условии, что указанные транспортные средства временно или случайно находятся на территории Туркменистана и указанный продукт или изделие используется для нужд транспортного средства. Такие действия не признаются нарушением исключительного права патентообладателя в отношении транспортных средств иностранных государств, предоставляющих такие же права в отношении транспортных средств, зарегистрированных в Туркменистане;

[...]

TÜRKIYE

Article 85 (3) (d) (e) of the Industrial Property Law (Law № 6769 of December 22, 2016)

Scope of a patent right and its limits

85. [...]

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

[...]

(d) using the invention subject to a patent in making and running ships, space vehicles, airplanes or land transport vehicles for party countries of Paris Convention or in meeting the needs of such vehicles; using the mentioned vehicles provided that they are within the borders of Republic of Turkey temporarily or accidentally.

[...]

(e) provisions of Article 27 of International Civil Aviation Agreement which is approved by the Law dated 06.05.1945 and numbered 4749 and practices regarding aircrafts of a country in which the provisions of this Article are being applied.

[...]

UGANDA

Section 43 (3) of the Industrial Property Act, 2014

43. Limitation of rights.

[...]

(3) The rights under the patent do not extend to the use of articles on aircraft, land vehicles or vessels of other countries, which temporarily or accidentally enter the airspace, territory, or waters of Uganda.

[...]

UKRAINE

Article 31 (2) of the Law of Ukraine № 3687-XII of December 15, 1993, on Protection of Rights to Inventions and Utility Models (as amended up to December 5, 2012)

31. Actions that are not recognized as violation of rights.

[...]

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

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

UNITED ARAB EMIRATES

Article 19 (2) of the Federal Law № (31) For the Year 2006 Pertaining to the Industrial Regulation and Protection of Patents, Industrial Drawings, and Designs

19. The rights afforded by the letters patent shall not be applicable to the following particulars:-

2- Use of a patent for transportation means being introduced to the UAE on temporary basis whether such a use is intended for the body structure, the engine, or for the spare parts of the said means , considering only the actual needs of the vehicles.

UNITED KINGDOM

Section 60 (5) (d) (e) (f) of the Patents Act 1977 (Chapter 37, as amended up to and including December 31, 2020)

60. Meaning of infringement

[...]

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

[...]

(d) it consists of the use, exclusively for the needs of a relevant ship, of a product or process in the body of such a ship or in its machinery, tackle, apparatus or other accessories, in a case where the ship has temporarily or accidentally entered the internal or territorial waters of the United Kingdom;

(e) it consists of the use of a product or process in the body or operation of a relevant aircraft, hovercraft or vehicle which has temporarily or accidentally entered or is crossing the United Kingdom (including the air space above it and its territorial waters) or the use of accessories for such a relevant aircraft, hovercraft or vehicle;

(f) it consists of the use of an exempted aircraft which has lawfully entered or is lawfully crossing the United Kingdom as aforesaid or of the importation into the United Kingdom, or the use or storage there, of any part or accessory for such an aircraft.

[...]

UNITED REPUBLIC OF TANZANIA

Section 38 (3) of the Patents (Registration) Act, Cap. 217

38. Limitation of rights

[...]

(3) The rights under the patent shall not extend to the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the United Republic.

[...]

UNITED STATES OF AMERICA

Section 272, Title 35 of the United States Code (as amended up to Public Law No. 117-168)

35 U.S.C. 272 Temporary presence in the United States

The use of any invention in any vessel, aircraft or vehicle of any country which affords similar privileges to vessels, aircraft or vehicles of the United States, entering the United States temporarily or accidentally, shall not constitute infringement of any patent, if the invention is used exclusively for the needs of the vessel, aircraft or vehicle and is not offered for sale or sold in or used for the manufacture of anything to be sold in or exported from the United States.

UZBEKISTAN

Article 12 of the Law of the Republic of Uzbekistan № 1062-XII of May 6, 1994 on Inventions, Utility Models and Industrial Designs (as amended up to Law of the Republic of Uzbekistan № ZRU-446 of September 14, 2017)

12. Acts not recognized as an infringement of a patent owner's exclusive right

The following shall not be recognized as an infringement of a patent owner's exclusive right:

- the use of devices, containing industrial property subject matter protected in the Republic of Uzbekistan, on a means of transport of another State party to the Paris Convention of the Protection of Industrial Property, where the means of transport in question is temporarily or inadvertently located on the territory of the Republic of Uzbekistan, provided that these devices are used exclusively for the needs of the given means;

[...]

VANUATU

Section 28 (d) of the Patents Act № 2 of 2003

28. The rights given by section 27:

[...]

(d) do not extend to the presence or use of products or foreign vessels, aircraft, spacecraft, or vehicles that temporarily or accidentally enter the waters, airspace or territory of Vanuatu.

VIET NAM

Article 125 (2) (c) of the Intellectual Property Law № 50/2005/QH11 of November 29, 2005

125. Right to prevent others from using industrial property objects

[...]

2. Owners of industrial property objects as well as organizations and individuals granted the right to use or the right to manage geographical indications shall not have the right to prevent others from performing the following acts:

[...]

(c) Using inventions, industrial designs or layout-designs only for the purpose of maintaining the operation of foreign means of transport in transit or temporarily staying in the Vietnamese territory;

[...]

YEMEN

Article 41 (4) (6) Law № 2 of 2011, on Patents, Utility Models, Layout Designs of Integrated Circuits and Undisclosed Information

41. The following activities by a third party shall not be considered to infringe the rights of the holder of a patent, utility model, or integrated circuit layout:

[...]

4. Using the invention on means of transportation (by land, sea or air) belonging to a State which is a member of an international agreement to which the Republic is a party, or which has relations of reciprocity with the Republic, should that means of transportation temporarily or accidentally find itself in the Republic.

[...]

6. Acts performed by a third party during any of the above activities, provided such acts do not unreasonably conflict with the ordinary use of the patent, or unreasonably damage the lawful interests of the patent holder, while also taking into consideration the lawful interests of the third party.

ZAMBIA

Section 75 (1) (b) of the Patents Act 2016 (Act No 40 of 2016)

75. Limitations of patent rights.

(1) Despite any other provision of this Act, rights under a patent shall be limited to industrial or commercial activities and shall not extend to the following:

[...]

(b) the use of the patented invention on a foreign vessel, aircraft, spacecraft or land vehicles, which temporarily or accidentally enters the territory of Zambia, provided the use is exclusively for the needs of the vessel or in the construction or operation of the aircraft, spacecraft or land vehicle;

[...]

ZIMBABWE

Section 81 (1) (2) of the Patents Act (Chapter 26:03, as amended up to Act No 14/2002)

81. Special provisions as to vessels, aircraft and land vehicles

(1) Where a vessel or aircraft registered in a Convention country or a land vehicle owned by a person ordinarily resident in such a country comes into Zimbabwe temporarily or accidentally only, the rights conferred by a patent for an invention shall not be deemed to be infringed by the use of the invention—

(a) in the body of the vessel or in the machinery, tackle, apparatus or other accessories thereof, so far as the invention is used on board the vessel and for its actual needs only; or

(b) in the construction or working of the aircraft or land vehicle or of the accessories thereof; as the case may be.

(2) Subsection (1) shall not affect section 17 of the Aviation Act [Chapter 13:03].

ANDEAN COMMUNITY

Article 53 (d) of the decision No 486 of September 14, 2000 of the Commission of the Andean Community

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

[...]

(d) acts referred to in Article 5ter of the Paris Convention for the Protection of Industrial Property;

[...]

UNIFIED PATENT COURT

Article 27 (f) (g) (h) of the Agreement on a Unified Patent Court of June 1, 2023

27. Limitations of the effects of a patent

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

[...]

(f) the use of the patented invention on board vessels of countries of the International Union for the Protection of Industrial Property (Paris Union) or members of the World Trade Organisation, other than those Contracting Member States in which that patent has effect, in the body of such vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters of a Contracting Member State in which that patent has effect, provided that the invention is used there exclusively for the needs of the vessel;

(g) the use of the patented invention in the construction or operation of aircraft or land vehicles or other means of transport of countries of the International Union for the Protection of Industrial Property (Paris Union) or members of the World Trade Organisation, other than those Contracting Member States in which that patent has effect, or of accessories to such aircraft or land vehicles, when these temporarily or accidentally enter the territory of a Contracting Member State in which that patent has effect;

(h) the acts specified in Article 27 of the Convention on International Civil Aviation of 7 December 1944, where these acts concern the aircraft of a country party to that Convention other than a Contracting Member State in which that patent has effect;

[...]

EURASIAN PATENT ORGANIZATION (EAPO)

Rule 19 of the Patent Regulations under the Eurasian Patent Convention (as adopted on December 1, 1995, with the amendments and addenda adopted as up to April 12, 2022)

19. Actions not Infringing the Eurasian Patent

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

use in the construction or operation of means of transportation of a member State of the Paris Union for the Protection of Industrial Property that is not a Contracting State, when such means of transportation temporarily or accidentally enter the territory of the Contracting State, provided that the invention is used exclusively for the needs of said means of transportation;

[...]

GULF COOPERATION COUNCIL (GCC)

Article 14/2 of the Patent Regulation of the Cooperation Council for the Arab States of the Gulf (as amended up to and approved by the GCC Supreme Council during its 41st session held in January, 2021)

14: The rights under the patent shall not extend to:

[...]

14/2 The use of patent articles on means of transportation temporarily or accidentally entering the territories of the Council States, whether such articles were used in the body, apparatus, devices, equipment, or any other accessories of the said means, provided use of such articles is limited to their necessities.

ORGANISATION AFRICAINE DE LA PROPRIÉTÈ INTELLECTUELLE (OAPI)

Article 7 (1) (b) of Annex I of the Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization, Act of December 14, 2015

7. Limitation of the rights conferred by the patent

(1): The rights deriving from the patent shall not extend to the following:

[...]

(b) the use of objects on board foreign aircraft, land vehicles or ships that temporarily or accidentally enter the airspace, territory or waters of a Member State;

[...]

[End of the Appendix and of document]