

WORLD INTELLECTUAL PROPERTY
ORGANIZATION

世界知识产权组织

ORGANIZACIÓN MUNDIAL
DE LA PROPIEDAD INTELECTUAL



ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE

المنظمة العالمية للملكية الفكرية

ВСЕМИРНАЯ ОРГАНИЗАЦИЯ
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

C. 1020
PCT-20

March 3, 2005

Madam,
Sir,

The differences between patent systems around the world have an impact on the interpretation of patent statistics. This observation was highlighted on several occasions during the last World Intellectual Property Organization (WIPO) and Organisation for Economic Co-operation and Development (OECD) Workshop on the Use of Patent Statistics, held in October 2004.

For example, if one patent system provides for provisional patent applications, whereas another does not, the comparative analysis of the number of patent applications filed under the two systems must necessarily take account of this difference, since the number of applications filed in the first system may appear to be higher.

In the light of this observation and with a view to improving its services, WIPO will shortly establish a worldwide Index of the different patent systems for statistical purposes. This Index will, *inter alia*, identify the main differences between the patent systems, differences which should be taken into consideration when interpreting statistics relating to said systems. The Index will represent a valuable tool for all those who use statistics in their activities, such as offices, analysts, economists, statisticians.

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C. 1020
PCT-20

We would be grateful to you if you would participate in our survey, by completing the attached questionnaire and returning it to us by April 8, 2005, at the latest. Responses are to be sent to my colleague Mrs. Catherine Calais Regnier, PCT Statistics Section, PCT Operations Division, Office of the PCT by e-mail (ipstats.mail@wipo.int) or by facsimile (41 22 338 82 70). You may also complete the questionnaire directly on our website at the following address: <http://www.wipo.int/ipstats>.

Sincerely yours,



Francis Gurry
Deputy Director General



WORLD INTELLECTUAL PROPERTY ORGANIZATION

COMPARATIVE ANALYSIS OF CERTAIN ASPECTS OF PATENT SYSTEMS

SURVEY

This survey is being undertaken with a view toward enhancing statistics analysis. We would very much appreciate if you could take 20 to 25 minutes to complete the following questionnaire and return it to WIPO by **April 8, 2005**. Your response will help us to understand better your national patent system and so be in a better position to analyse patent statistics in the future.

Please provide the following contact information in order for us to contact the person responsible for filling the questionnaire if needed:

Name of the Office:

Person to contact:

Name: _____

Title: _____

Department: _____

Tel: _____

E-mail: _____

1. **TYPES OF PROTECTION**

- *What are the different types of protection for inventions in your country/region?*

Patents for invention
 Utility models
 Others Please state which one:

2. **TERM OF PROTECTION**

- *What is the term of protection of a patent, utility model or any other right identified under question 1 in your country/region?*

PATENTS	UTILITY MODELS	OTHERS: _____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- *Does your country provide for patent term extension?*

Yes No

- *If yes, on what grounds?*

Regulatory approval for pharmaceuticals
 Regulatory approval for agricultural chemicals
 Others Please state:

- *Was there any change in your national law during the last 15 years regarding the term of protection of patent, utility model or any other right identified under question 1?*

Yes No *If positive, please indicate:*

Date of entry into force: _____

3. SUBJECT MATTER

- Please specify what kind of subject matter is excluded from patentability or not considered to be an invention under the applicable law?

	Excluded	Not considered inventions	Comment
Discoveries	<input type="checkbox"/>	<input type="checkbox"/>	_____
Scientific theories/mathematical methods	<input type="checkbox"/>	<input type="checkbox"/>	_____
Aesthetic creations	<input type="checkbox"/>	<input type="checkbox"/>	_____
Mental acts	<input type="checkbox"/>	<input type="checkbox"/>	_____
Presentation of information	<input type="checkbox"/>	<input type="checkbox"/>	_____
Computer programs	<input type="checkbox"/>	<input type="checkbox"/>	_____
Business methods	<input type="checkbox"/>	<input type="checkbox"/>	_____
Isolated parts of human beings	<input type="checkbox"/>	<input type="checkbox"/>	_____
Animals	<input type="checkbox"/>	<input type="checkbox"/>	_____
Plants	<input type="checkbox"/>	<input type="checkbox"/>	_____
Plant and animal varieties	<input type="checkbox"/>	<input type="checkbox"/>	_____
Nucleotide and/or amino acid sequences	<input type="checkbox"/>	<input type="checkbox"/>	_____
Traditional knowledge	<input type="checkbox"/>	<input type="checkbox"/>	_____
Diagnostic, therapeutic and surgical methods for the treatment of humans and animals	<input type="checkbox"/>	<input type="checkbox"/>	_____
Inventions contrary to morality/public order	<input type="checkbox"/>	<input type="checkbox"/>	_____
Pharmaceutical products	<input type="checkbox"/>	<input type="checkbox"/>	_____
Others:			_____ _____

- Was there any change in your national law during the last 15 years regarding exclusions from patentability?

Yes No

If positive, please indicate:

Date of entry into force: _____

4. **LANGUAGE**

- *Is it possible for the applicant to file an application in languages other than an official language?*

Yes No

- *If yes, what is the time limit to provide translation into an official language?*

- *Was there any change in your national law during the last 15 years regarding language requirements?*

Yes No

If positive, please indicate:

Date of entry into force: _____

6. **LINK BETWEEN DIFFERENT INVENTIONS IN THE SAME APPLICATION**

- *Does the applicable law of your country/region require the claims in a patent application to relate to a single invention only, or does it allow, on certain conditions, that the claims relate to a group of inventions (for example, applying unity of invention, a requirement for restriction or any other such standard)?*

A single invention only

A group of inventions allowed

Please specify the applicable standard: _____

- *Was there any change in your national law during the last 15 years regarding such standard?*

Yes

No

If positive, please indicate:

Date of entry into force: _____

7. **PUBLICATION**

- *In your country/region, when is the information related to the application published or open for public access?*

- 18 months from the date of filing or from the priority date
- When the patent is granted
- Both
- Other (ex: PCT national phase)

Please provide comments if appropriate:

- *Was there any change in your national law during the last 15 years regarding publication ?*

Yes No

If positive, please indicate:

Date of entry into force: _____

8. **CLASSIFICATION**

- *Which patent classification system does your country/region use?*

- International Patent Classification
- National Patent Classification
- Others Please state which one:

9. **SEARCH AND EXAMINATION**

- *Does the applicable law of your country/region establish a substantive search and examination system? If not, please go to Question 10.*

Yes No

- *In your country/region, are search and examination combined or separated?*

Combined Separated

- *Does the filing of an application in your country/region automatically imply a request for search and examination or is the applicant required to request separately such a search or examination?*

PATENTS	UTILITY MODELS	OTHERS (cf Question 1): _____
Automatic search (if separate from examination) <input type="checkbox"/>	Automatic search (if separate from examination) <input type="checkbox"/>	Automatic search (if separate from examination) <input type="checkbox"/>
Automatic examination <input type="checkbox"/>	Automatic examination <input type="checkbox"/>	Automatic examination <input type="checkbox"/>
Search on request (if separate from examination) <input type="checkbox"/>	Search on request (if separate from examination) <input type="checkbox"/>	Search on request (if separate from examination) <input type="checkbox"/>
Examination on request (if separate from search) <input type="checkbox"/>	Examination on request (if separate from search) <input type="checkbox"/>	Examination on request (if separate from search) <input type="checkbox"/>
Search and Examination on combined request <input type="checkbox"/>	Search and Examination on combined request <input type="checkbox"/>	Search and Examination on combined request <input type="checkbox"/>

- *If the applicant is required to request separately search, when must he/she do so? What are the consequences of not requesting search within the required time limit?*

PATENTS	UTILITY MODELS	OTHERS (cf Question 1): _____

- *If the applicant is required to request separately examination, when must he/she do so? What are the consequences of not requesting examination within the required time limit?*

PATENTS	UTILITY MODELS	OTHERS (cf Question 1): _____
_____ _____ _____ _____ _____	_____ _____ _____ _____ _____	_____ _____ _____ _____ _____

- *Please specify what is examined during the examination procedure:*

PATENTS	UTILITY MODELS	OTHERS (cf Question 1): _____
Novelty <input type="checkbox"/> Inventive step/non obviousness <input type="checkbox"/> Industrial applicability/utility <input type="checkbox"/> Others <input type="checkbox"/> Please state which ones:	Novelty <input type="checkbox"/> Inventive step/non obviousness <input type="checkbox"/> Industrial applicability/utility <input type="checkbox"/> Others <input type="checkbox"/> Please state which ones:	Novelty <input type="checkbox"/> Inventive step/non obviousness <input type="checkbox"/> Industrial applicability/utility <input type="checkbox"/> Others <input type="checkbox"/> Please state which ones:
_____ _____ _____ _____ _____ _____ _____	_____ _____ _____ _____ _____ _____ _____	_____ _____ _____ _____ _____ _____ _____

10. **PATENT OWNERSHIP**

- *Is there a law governing ownership of patents derived from public (government) research funding?*

Yes No

- *If yes, please specify:*

- *Was there any change in your national law during the last 15 years regarding patent ownership ?*

Yes No

If positive, please indicate:

Date of entry into force: _____

11. **RESTRICTIONS ON PATENT RIGHTS**

- *Does your country/region provide the following exceptions to the exclusive rights conferred by a patent?*

- Private use
- Compulsory licenses
- Governmental use
- Research and/or experimental exception
- Preparation of medicines in accordance with medical prescriptions by physicians
- Clinical trials for the purpose of obtaining a generic drug's regulatory approval (Bolar provision)
- Prior user's right
- Others (please specify)

- *Was there any change in your national law during the last 15 years regarding the above restrictions?*

Yes No

If positive, please indicate:

Date of entry into force: _____

12. **CHALLENGE**

- *What are the different options to challenge a patent, a utility model or any right identified under Question 1 in your country/region?*

PATENTS	UTILITY MODELS	OTHERS (cf Question 1):
Pre-grant administrative procedure (e.g., opposition, reexamination) <input type="checkbox"/> What is the time limit? _____ _____	Pre-grant administrative procedure (e.g., opposition, reexamination) <input type="checkbox"/> What is the time limit? _____ _____	Pre-grant administrative procedure (e.g., opposition, reexamination) <input type="checkbox"/> What is the time limit? _____ _____
Post-grant administrative/quasi judicial procedure (e.g., opposition, reexamination) <input type="checkbox"/> What is the time limit? _____ _____	Post-grant administrative/quasi judicial procedure (e.g., opposition, reexamination) <input type="checkbox"/> What is the time limit? _____ _____	Post-grant administrative/quasi judicial procedure (e.g., opposition, reexamination) <input type="checkbox"/> What is the time limit? _____ _____
Court Procedure <input type="checkbox"/>	Court Procedure <input type="checkbox"/>	Court Procedure <input type="checkbox"/>
Other <input type="checkbox"/> Please state: _____ _____ _____ _____	Other <input type="checkbox"/> Please state: _____ _____ _____ _____	Other <input type="checkbox"/> Please state: _____ _____ _____ _____

- *Was there any change in your national law during the last 15 years regarding challenge procedures?*

Yes No

If positive, please indicate:

Date of entry into force: _____

Thank you for your time!

For any questions, do not hesitate to contact us. Please return the questionnaire to:

Mrs. Catherine Calais Regnier, PCT Statistics Section, WIPO
 E-mail: ipstats.mail@wipo.int
 Fax: (41 22) 338 82 70