



STATE COMMITTEE ON
STANDARDIZATION, METROLOGY AND PATENTS OF
THE REPUBLIC OF AZERBAIJAN

AZ 1147 Baku,
Mardanov Gardashlary str., 124

Tel: (+99412) 449-99-59
Fax: (+99412) 440-52-24
e-mail: azs@azstand.gov.az
www.azstand.gov.az

" 31. " august 2009 year

No 20-5/448

World Intellectual Property Organization
34, chemin des Colombettes
1211 Geneva 20
Switzerland
Ms. Tomoko Miyamoto
Head, Patent Law Section, Patent Division

Dear Ms. Tomoko Miyamoto

In reply on your letter according SCP/13/2, 3, 4 and 5 prepared by WIPO we agreed that documents clearly reflect a state of affairs in the different countries on four issues:

- Patents and Standarts;
- Exceptions from patentable subject matter and exceptions and limitations to the rights;
- Client-attorney privilege;
- Dissemination of patent information.

Also we support all points in documents SCP/13/7.

In addition, we send you certain aspects of the Patent law of the Republic of Azerbaijan in accordance with requirements of Document SCP/12/3 Rev.2 Annex II.

Enclosure: Certain aspects of Patent law of the Republic of Azerbaijan concerning to SCP/12/3 Rev.2 Annex II

Best regards,

A.Ashrafov
Head of Administration

**CERTAIN ASPECTS OF PATENT LAW of the Republic of Azerbaijan
concerning SCP/12/3 Rev.2 ANNEX II**

1. Prior Art

1. Any information available to the public before the filing date (priority date).
2. Contents of Azerbaijan patents and applications for inventions and utility models with an earlier filing date (priority date), which were published in official bulletin.

2. Novelty

1. An invention shall be considered new if it does not form part of the entire sum knowledge (state of the art).

The entire sum knowledge (state of the art) shall be held to comprise any information, which has become available for everybody in the world before to the filing date of the application on invention.

2. The entire sum knowledge (state of the art) shall be held to comprise also of application on inventions filed to the respective body of executive power and which were published in official bulletin.

3. Inventive Step (Obviousness)

An invention shall be considered as involving an inventive step if, having regard to the state art, it is not obvious to a person skilled in the art.

4. Grace Period

1. The disclosure of information concerning the subject matter of an invention during 12 months before the filing date (priority date) of the invention application shall not affect the novelty of the invention if it was made by:

- (a) the author (the inventor),
- (b) the applicant or other person having obtained such information directly or indirectly from the author or applicant.

2. Author or applicant undertakes the proof of the fact of disclosure of information.

5. Sufficiency of Disclosure

The description shall:

disclose the the subject matter of the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.

6. Exclusions from Patentable Subject Matter

1. Scientific theories.
2. Mathematical methods.
3. Outcome of the art-constructive performance (design).
4. Methods of organization and performing for intellectual activity and for business activity.
5. Rules and methods for playing games.
6. Algorithms and programs for computers.
7. Methods of presenting information.
8. Symbols, schedules and rules.
9. Projects and plans for structures and buildings and for land development.
10. Plant varieties and animal breeds (this provision shall not apply to microbiological processes or to products which are obtained through such processes).
11. Layout designs of integrated circuits.
12. Methods for the diagnostic of illnesses, methods for therapeutic and surgical treatment of humans or animal organisms.
13. Invention contrary to public interests, principles of humanism and morality.

7. Exceptions and Limitations of the Rights

1. Certain uses concerning foreign means of transport which temporary or accidentally enter national territory.
2. Non-profit use of product containing patented subject matter for non-commercial purposes;
3. Use for scientific research or experiments
4. Preparation of medicine in a pharmacy in exceptional cases as prescribed by a doctor;
5. Use in emergency conditions
6. Continued prior use by a person who, in good faith before at the filing date (priority date), independently of the inventor had devised and exploited the invention in the Republic of Azerbaijan, or making the necessary preparations for that purpose.
7. Compulsory licenses