

International Cooperation Division
National center of Intellectual Property
Republic of Belarus

With regard to the Circular C. 8728 of February 9, 2018, the National Center of Intellectual Property of the Republic of Belarus informs on the following.

1. As concerns the issue of limitations and exceptions from patent rights in relation to acts for obtaining regulatory approval from the public authorities:

The limitations and exceptions from patent rights, which are reflected in the legislation of the majority of the countries of the world, are currently fixed in the legislation of the Republic of Belarus.

General information on limitations and exceptions from patent rights fixed in the legislation of the Republic of Belarus that is available on the website of the electronic forum of SCP in the Section "Revised Annex II of document SCP/12/3 Rev.2: Report on the International Patent System" is up-to-date.

However, the existing legislation of the Republic of Belarus does not currently provide for limitations on patent rights in relation to acts for obtaining approval from the regulatory public authorities.

We additionally inform that on December 18, 2017 the President of the Republic of Belarus signed the Law of the Republic of Belarus "On Amendments and Additions to the Law of the Republic of Belarus "On Patents for Inventions, Utility Models and Industrial Designs" which foresees limitations and exceptions from patent rights in relation to acts for obtaining approval from regulatory public authorities.

It is foreseen that, in particular, carrying out of pre-clinical research and clinical trial of a medicinal agent containing an invention or an experiment on that medicinal agent as well as carrying out of research on a pesticide or an agrochemical containing an invention or an experiment on those pesticide or agrochemical for the purpose of their State registration are not regarded as violation of the exclusive right of the patent owner. The indicated additions will enter into force on July 7, 2018.

2. As concerns updating of information regarding the legislation in force:

The information in relation to Republic of Belarus available on the WIPO website at http://www.wipo.int/scp/en/annex_ii.html, http://www.wipo.int/scp/en/revocation_mechanisms and http://www.wipo.int/scp/en/confidentiality_advisors_clients/national_laws_practices.html is up-to-date.