

C. 9043 - January 28, 2021 - REVIEW

1) Certain aspects of the applicable national or regional patent law

http://www.wipo.int/scp/en/annex_ii.html

NOVELTY

The invention does not form part of the state of the art. The state of the art consists of anything made available to the public by a written or oral description, use or in any other way before the filing date (priority date), and the contents of Italian, European and international patent applications with an earlier filing date (priority date) made available to the public on or after that date.

EXCLUSIONS FROM PATENTABLE SUBJECT MATTER

1. Discoveries, scientific theories and mathematical methods as such.
2. Schemes, rules and methods for performing mental acts, playing games or doing business, programs for computers as such.
3. Presentation of information as such.
4. Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body. Products, in particular substances or compositions, for use in any of these methods are not excluded.
5. Plant or animal varieties and essentially biological processes for the production of plants or animals, other than microbiological processes and products.
6. Inventions contrary to public order or morality.
7. The human body, at the various stages of its formation and development, and the simple discovery of one of its elements, including the sequence or partial sequence of a gene, in order to ensure that patent law is exercised in compliance with fundamental rights on dignity and integrity man and the environment.
8. Inventions, the commercial exploitation of which would be contrary to public order or morality, in particular in respect of biotechnological inventions which concern the following:
 - (a) any process for cloning human beings;
 - (b) processes for modifying the germ line genetic identity of human beings;
 - (c) any use of human embryos, including human embryonic stem cell lines and any technical process using human embryonic cells;
 - (d) processes for modifying the genetic identity of animals which are likely to cause them suffering from such processes;
 - e) inventions concerning genetic screening protocols, the exploitation of which leads to discrimination or stigmatization of human subjects on genetic, pathological, racial, ethnic, social and economic grounds, or having eugenic and non-diagnostic purposes.

EXCEPTIONS AND LIMITATIONS OF THE RIGHTS

1. Private acts for non-commercial purposes or experimental purposes.
2. Preparation of prescribed medicines in pharmacies, and medicines so prepared.
4. Exploitation, by Presidential decree, by the State, for national military defense or other public interest reasons, subject to remuneration.
5. Compulsory licenses.

- 2) National and regional laws on opposition systems and other administrative revocation and invalidation mechanisms

https://www.wipo.int/scp/en/revocation_mechanisms/

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- 3) International worksharing and collaborative activities for search and examination of patent applications

<https://www.wipo.int/patents/en/topics/worksharing/>

Within the national granting procedure novelty search carried out by the European Patent Office, according to a specific Working agreement (search cooperation) and national patent law.

- 4) Compilation of laws and practices regarding the scope of client attorney privilege and its applicability to patent advisors

https://www.wipo.int/scp/en/confidentiality_advisors_clients/national_laws_practices.html

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