

- (i) ***a draft reference document on the exception regarding extemporaneous preparation of medicines. The inputs may relate to, for example, relevant courtcases, challenges faced by Member States in implementing the exception and the results of the national/regional implementation;***

Please note that the regulation is in place but there is no information regarding related court cases or relevant practice.

**Patent Law Article 35. Patent proprietor's rights**

1. Where the subject matter of a patent is a product, the proprietor of the patent shall have the exclusive right to prevent third parties not having the proprietor's consent from the acts of making, using, offering for sale, selling, importing or exporting that product.

2. Where the subject matter of a patent is a process, the proprietor of the patent shall have the exclusive right to prevent third parties not having the proprietor's consent from the act of using the process, and from the acts of using, offering for sale, selling, importing or exporting a product obtained directly by that process.

3. The proprietor of the patent shall have no right to prevent third parties from performing acts referred to in paragraphs 1 and 2 of this Article, provided that such acts:

3) consist of preparing medicines for individual cases in a pharmacy upon the prescription of a physician or if it is indicated how to use the medicines so prepared.

- (ii) ***study on various aspects of the unity of invention, including divisional application;***

In Lithuania, the practice of dividing patent applications into divisional applications is not very common. The only reason why this happens is that the application does not meet the unity of invention requirement. There have been a few separate cases in history where the examiner has identified the aforementioned deficiency in the application, in all cases the applicants have divided the applications into the appropriate number of applications for the number of separate inventions identified.

**Patent Law Article 20. Division of application**

1. An applicant who does not observe the requirements of the unity of invention shall be obligated to divide his patent application into two or more applications (divisional applications). An applicant may divide his patent application into two or more applications on his own initiative.

2. In each separate patent application the essence of the invention must not be disclosed wider than it was disclosed in the initial patent application.

3. The filing date of the initial application shall be accorded for each separate patent application or where priority is claimed – the priority date of the initial application.

4. Priority documents and any required translations thereof that are submitted to the State Patent Bureau in respect of the initial patent application shall be considered as having been submitted in respect of all divisional applications.

- (iii) ***compilation of laws and practices relating to the patentability of artificial intelligence (AI)-related inventions (update of document SCP/30/5);***

Artificial intelligence related inventions are treated the same way as usual computer implemented inventions. In Lithuania there is no substantive examination, it is not possible to examine the contribution of each technical or non-technical feature to the inventive step, therefore only two requirements are applied for such an invention to be patentable: there should be technical effect and technical features and the invention should be sufficiently disclosed for the person skilled in the art to reproduce the invention.

- (iv) a dedicated webpage on the expedited examination program of Intellectual Property Offices (updating the contents of document SCP/35/6);**

There is no specific program in Lithuania, there is only the possibility of requesting earlier publication of the application for an additional fee.

- (v) a document updating SCP/26/5 (Constraints faced by developing countries and LDCs in making full use of patent flexibilities and their impact on the access to affordable especially essential medicines for public health purposes in those countries);**

No data.

- (vi) a document updating SCP/25/4 (compilation of court cases with respect to client-patent advisor privilege);**

No new data.

- (vii) a document updating SCP/32/6 (patent law provisions that contribute to effective transfer of technology, including sufficiency of disclosure);**

**Patent Law of the Republic of Lithuania. Article 16. Disclosure of the essence of invention**

1. An invention description must be provided in compliance with requirements for the content of invention description established by the Regulations.
2. An invention description must disclose the invention in such full and clear terms as to enable any person skilled in the art to which it pertains to use the invention.
3. Where a patent application is filed for an invention involving the use of or concerning biological material which is not available to the public and which cannot be described in such a manner as to enable the invention to be reproduced by a person skilled in the art, the description of the invention shall be considered inadequate. This provision shall not apply, if the biological material has been deposited no later than the date on which the patent application was filed with a depositary institution in accordance with the procedure established by legal acts and the documentary evidence of the depositing was furnished to the State Patent Bureau. a study on patent inventorship and ownership issues arising from collaborative research.

- (i) certain aspects of the applicable national or regional patent law, related to prior art, novelty, inventive step (non-obviousness), grace period, sufficiency of disclosure, exclusions from patentable subject matter and/or exceptions and limitations of the rights, available at: [http://www.wipo.int/scp/en/annex\\_ii.html](http://www.wipo.int/scp/en/annex_ii.html);**

No new data.

- (ii) national and regional laws on opposition systems and other administrative revocation and invalidation mechanisms, available at: [http://www.wipo.int/scp/en/revocation\\_mechanisms/](http://www.wipo.int/scp/en/revocation_mechanisms/);**

No new data.

- (iii) international worksharing and collaborative activities for search and examination of patent applications, available at: <http://www.wipo.int/patents/en/topics/worksharing/>; and**

No new data.

**(iv) compilation of laws and practices regarding the scope of client attorney privilege and its applicability to patent advisors, available at:[https://www.wipo.int/scp/en/confidentiality\\_advisors\\_clients/national\\_laws\\_practices.html](https://www.wipo.int/scp/en/confidentiality_advisors_clients/national_laws_practices.html).**

No new data.