

Standing Committee on the Law of Patents

Seventeenth Session
Geneva, December 5 to 9, 2011

**ADDENDUM TO THE REPORT ON THE INTERNATIONAL PATENT SYSTEM:
REVISION OF ANNEX II OF DOCUMENT SCP/12/3/REV.2**

document prepared by the Secretariat

1. In a communication dated October 6, 2011, the International Bureau received from the Delegation of Costa Rica the updated information relating to Annex II to the Report on the international patent system, which is to be included in the Annex to document SCP/17/2.
2. The said information is included in the Annex to the present document.

[Annex follows]

CERTAIN ASPECTS OF NATIONAL/REGIONAL PATENT LAWS

Update in accordance with recent reforms

(4) Grace period

Country	Grace period
Costa Rica	<p>The state of the art does not include disclosure of an invention within one year before the filing date (priority date) resulting from:</p> <ol style="list-style-type: none"> 1. acts done directly or indirectly by the inventor or his successor in title; or 2. non-performance of a contract or illicit acts against any of them; <p>The disclosure resulting from a publication made by an industrial property Office in the process of granting a patent shall be included in the state of the art, except for the case of a patent applicant, or when the application in question has been filed by a person who did not have the right to obtain the patent or when the publication has been made unlawfully (Reformed by Law No. 8632 of March 28, 2008. Gazette No. 80 of April 25, 2008).</p>

(6) Exclusions from Patentable Subject Matter

Country	Exclusions from Patentable Subject Matter
Costa Rica	<ol style="list-style-type: none"> 1. Discoveries, scientific theories and mathematical methods, computer programs as such. 2. Aesthetic creations, literary and artistic works. 3. Schemes, rules or economic methods of advertisements or business and those referring to purely mental or intellectual activities or to games. 4. Juxtaposition of known inventions or mixtures of known products, or alteration of the form, use, dimensions or material thereof, except where in reality they are so combined or managed that they cannot function separately, or where their qualities or characteristic functions have been so modified as to produce an industrial result not obvious to a person skilled in the art. 5. Inventions the commercial exploitation of which shall be forbidden for objective and necessary reasons to protect the ordre public, morality, health or life of persons or animals, or to preserve plants and to avoid severe damage to the environment. 6. Methods for surgical or therapeutic treatment or for diagnosis, for the treatment of human beings or animals. 7. Plants and animals, except for microorganisms, provided they are not microorganisms such as they occur in nature (Reformed through Law No. 8632 of March 28, 2008, Gazette No. 80 of April 25, 2008). 8. Essentially biological processes for the production of plants or animals, which are not biological or microbiological procedures. (Reformed through Law No. 8632 of March 28, 2008, Gazette No. 80 of April 25, 2008). 9. The new varieties of plants will be protected by a special law.

Note:

- The assumptions indicated in paragraphs 1 to 4 are not considered inventions for the purposes of Costa Rican law.
- The assumptions indicated in paragraphs 5 to 8 correspond to the exclusions from patentability established in Article 1.4 of Law No.6867 on Patents, Industrial Designs and Utility Models.

[End of Annex and of document]