

COMPILATION OF RESPONSES TO THE QUESTIONNAIRE ON EXCEPTIONS AND LIMITATIONS TO PATENT RIGHTS

Country	Private and/or non-commercial use	Experimental use and/or scientific research	Preparation of medicines	Prior use	Use of articles on foreign vessels, aircrafts and land vehicles	Acts for obtaining regulatory approval from authorities	Exhaustion of patent rights	Compulsory licensing and/or government use	Exceptions and limitations related to farmers' and/or breeders' use of patented inventions	Other Exceptions and Limitations
Albania	√	√	√	√	√	√	√	√	√	-
Algeria	√	√	-	√	√	-	√	√	-	-
Armenia	√	√	√	√	√	-	√	√ ¹	-	-
Australia	²	³	-	√	√	√	√	√	-	-
Azerbaijan	√	√	√	√	√	-	√	√	-	-
Bhutan	-	√	-	√	√	-	√	√	-	-
Brazil	√	√	√	√	√	√	√	√	⁴	√
Chile	-	-	-	-	⁵	√	√	√ ⁶	-	√
Congo	-	√	-	-	-	-	-	√	-	-
Cyprus	√	√	√	-	-	-	√	√	-	-
Denmark	√	√	√	√	√	√	√	√ ⁷	√	-

¹ Only compulsory licensing, no government use exception.

² There is no statutory provision related to private and/or non-commercial use exception. However, it is considered that a non-commercial use defense may arise under common law.

³ There is no statutory provision related to experimental use and/or scientific research exception. However, it is considered that such exception may exist under the non-commercial use defense referred to in Section II, question 5.

⁴ Only exception relating to the breeders' use of patented inventions, no exception relating to the farmers' use of patented inventions.

⁵ There is no statutory exception related to the use of articles on foreign vessels, aircrafts and land vehicles. However, Article 5^{ter} of the Paris Convention and Article 27 of the Chicago Convention applies.

⁶ Only compulsory licensing, no government use exception.

⁷ Only compulsory licensing, no government use exception.

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Dominican Republic	√	√	-	√	-	√	√	√	-	-
El Salvador	√	√	-	√	√	√	√	√ ⁸	-	-
Finland	√	√	√	√	√	√	√	√	√	-
France	√	√	√	√	√	√	√	√	√	-
Gambia	-	-	-	-	√	-	√	√	-	-
Georgia	√	-	-	√	√	√	√	-	-	-
Germany	√	√	√	√	√	√	√	√ ⁹	√	√
Greece	√	√	√	√	√	√	√	√	√	-
Honduras	√	√	-	-	-	-	-	√ ¹⁰	-	-
Hong Kong, China	√	√	√	√	√	-	-	√	-	√
Hungary	√	√	√	√	√	√	√	√ ¹¹	-	-
Italy	√	√	√	√	-	√	√	√	¹²	-
Japan	√	√	√	√	√	√	√	√ ¹³	-	-
Kyrgyzstan	-	√	-	√	√	-	-	√	-	-
Latvia	√	√	√	√	√	√	√	√	√	-
Lithuania	√	√	√	√	√	√	√	√	√	-
Madagascar	√	√	-	√	√	-	√	√	-	-

⁸ Only compulsory licensing, no government use exception.

⁹ Only compulsory licensing, no government use exception.

¹⁰ Only compulsory licensing, no government use exception.

¹¹ Only compulsory licensing, no government use exception.

¹² The response refers to Section VII (New Plant Varieties) of the Industrial Property Code of 2005.

¹³ Only compulsory licensing, no government use exception.

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Mexico	√	√	-	√	√	√	√	√ ¹⁴	√	-
Monaco	-	-	-	-	-	-	-	√ ¹⁵	-	-
Morocco	√	√	√	√	√	-	√	√	-	-
Netherlands (and Curaçao and St. Maarten)	√	√	-	√	√	√	√	√	√ ¹⁶	-
New Zealand	-	√	-	¹⁷	√	√	√ ¹⁸	√	-	-
Oman	√	√	-	√	√	√	√	√	¹⁹	√
Pakistan	-	√	-	√	√	√	√	√	-	√
Portugal	√	√	√	√	√	√	√	√	√	²⁰
Republic of Korea	√	√	√	√	√	√	-	√	²¹	-
Republic of Moldova	√	√	√	√	√	-	√	√	√	-
Russian Federation	√	√	√	√	√	-	√	√	-	√

¹⁴ Only compulsory licensing, no government use exception.

¹⁵ Only compulsory licensing, no government use exception.

¹⁶ Only exception relating to the farmers' use of patented inventions, no exception relating to the breeders' use of patented inventions.

¹⁷ While there is no prior use exception, a prior secret use constitutes a ground for revocation of the patent.

¹⁸ The applicable type of exhaustion regime is uncertain.

¹⁹ Only exception relating to the farmers' use of patented inventions, no exception relating to the breeders' use of patented inventions.

²⁰ While there is no government use exception, the response refers to the law regarding the expropriation of patents.

²¹ The response refers to exceptions available under the Seed Industry Act.

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Slovakia	√	√	√	√	√	√	√	√ ²²	√	-
Spain	√	√	√	√	√	√	√	√ ²³	√ ²⁴	√
Sri Lanka	√	√	-	√	√	-	√	√	-	-
Sweden	√	√	√	√	√	√	√	√ ²⁵	√	-
Turkey	√	√	√	√	√	√	√	√ ²⁶	-	-
Ukraine	√	√	-	√	√	-	√	√	-	√
United Kingdom	√	√	√	√	√	√	√	√	√	√
United Republic of Tanzania	√	√	-	-	√	-	√	√	-	-
Eurasian Patent Office (EAPO)	√	√	√	√	√	-	²⁷	√ ²⁸	-	-

[Annex II follows]

²² Only compulsory licensing, no government use exception.

²³ Only compulsory licensing, no government use exception.

²⁴ Only exception relating to the farmers' use of patented inventions, no exception relating to the breeders' use of patented inventions.

²⁵ Only compulsory licensing, no government use exception.

²⁶ Only compulsory licensing, no government use exception.

²⁷ The applicable type of exhaustion regime is defined according to the national laws of Contracting States.

²⁸ Only compulsory licensing, government use exception is provided according to the national laws of Contracting States.