

Annex to C. SCIT 2505

Country

QUESTIONNAIRE

ON THE GRANT AND PUBLICATION OF "SUPPLEMENTARY PROTECTION CERTIFICATES" FOR MEDICINAL AND PHYTOPHARMACEUTICAL PRODUCTS OR EQUIVALENT INDUSTRIAL PROPERTY RIGHTS (SPCs)

Important Remarks

1. The survey published in 1997 concerned only "Supplementary Protection Certificates" for medicinal products or equivalent industrial property titles of protection, but not the "Supplementary Protection Certificates" for phytopharmaceutical products.
2. This questionnaire aims at updating the 1997 survey and at including the industrial property titles of protection for phytopharmaceutical products.
3. In order to facilitate the updating of the said survey and the inclusion of information on phytopharmaceutical products, appropriate entries have been added. For the purposes of the survey, medicinal products and phytopharmaceutical products are both covered by the abbreviation "SPCs."
4. The survey will be made available through the WIPO Web site and will be kept up to date. For this purpose, you are kindly requested to inform the International Bureau of any change in the applicable legislation in your country.
5. Offices not covered by the previous survey are kindly requested to provide information as available.
6. If your Office participated in the previous survey and there are no changes, please indicate "no change."
7. Please, refer to Part 7.2.1 of the WIPO "Handbook on Industrial Property Information and Documentation" when responding to the following questions:

Question 1: Does your Office grant “supplementary protection certificates” for medicinal products or equivalent industrial property rights (SPCs) that extend the validity of patents covering medicinal, pharmaceutical, agrochemical or cognate products and phytopharmaceutical products?

(a) In the field of medicinal products

Yes

(b) In the field of phytopharmaceutical products

Yes

Question 2: Will your Office start granting SPCs in the future?

(a) In the field of medicinal products

See above

(b) In the field of phytopharmaceutical products

See above

Question 3: Please, specify the legal basis for granting SPCs (national law, regional regulation, etc.).

(a) In the field of medicinal products

Australian Patents Act of 1990 (Sections 70 to 79 and Schedule 1)

Australian Patents Regulations of 1991 (Regulation 6.7 - 6.11)

(b) In the field of phytopharmaceutical products

Australian Patents Act of 1990 (Sections 70 to 79 and Schedule 1)
Australian Patents Regulations of 1991 (Regulation 6.7 - 6.11)

Question 4: Please specify the name of the SPC granted by your Office.

(a) In the field of medicinal products

No special name allotted. Merely a patent with an extended term of protection.

(b) In the field of phytopharmaceutical products

No special name allotted. Merely a patent with an extended term of protection.

Question 5: Please specify for which fields of technology or which products an SPC can be obtained (for example, medicinal products, phytopharmaceutical products, herbicides, agro-chemicals, all products subject to regulatory approval for marketing, etc.).

Pharmaceutical products including phytopharmaceuticals.

Question 6: Does your Office publish or intend to publish the receipt of an application for an SPC?

(If "Yes," please attach specimen of a front page of an SPC and/or of announcements regarding SPCs made in an Official Gazette.)

(a) In the field of medicinal products

Yes **See attached Annexe**

(b) In the field of phytopharmaceutical products

Yes

Question 7: If your reply to question 6 is “Yes,” please indicate the minimum elements a publication must contain:

- (a) In the field of medicinal products
 - (i) number allotted to receipt of the application
Number of that application is identical to patent number
 - (ii) date of said receipt
No
 - (iii) name and address of the applicant
Name but not address of applicant is published
 - (iv) number of the basic patent
Yes
 - (v) title of the invention
No
 - (vi) number of any authorisation to place the product on the market
including the product identified in that authorisation
No
 - (vi) date of the said authorisation
No
 - (viii) other elements (please specify)

- (b) In the field of phytopharmaceutical products
 - (i) number allotted to receipt of the application
Number of that application is identical to patent number
 - (ii) date of said receipt
No
 - (iii) name and address of the applicant
Name but not address of applicant is published
 - (iv) number of the basic patent
Yes
 - (v) title of the invention
No
 - (vii) number of any authorisation to place the product on the market
including the product identified in that authorisation
No
 - (vii) date of the said authorisation
No
 - other elements(please specify)

Question 8: Does your Office publish or intend to publish the fact that an SPC has been granted?

(If "Yes," please attach specimen of a front page of an SPC and/or of announcements regarding the grant of SPCs made in an Official Gazette.)

(a) In the field of medicinal products

Yes

(b) In the field of phytopharmaceutical products

Yes

Question 9: If your reply to question 8 is "Yes," please indicate the minimum elements a publication must contain:

(a) In the field of medicinal products

(i) registration number allotted to the granted SPC
Number of that application is identical to patent number

(ii) date of registration of the granted SPC

No

(iii) name and address of the holder of the SPC

Name but not address of applicant is published

(iv) number of the basic patent

Yes

(v) title of the invention

No

(vi) number of any authorization to place the product on the market,
including the product identified in that authorization

No

(vii) date of the said authorization

No

(viii) duration of the SPC

Yes

(ix) other elements, e.g., patent classification, product name (please specify):

(b) In the field of phytopharmaceutical products

(i) registration number allotted to the granted SPC
Number of that application is identical to patent number

(ii) date of registration of the granted SPC

No

- (iii) name and address of the holder of the SPC
Name but not address of holder is published
- (iv) number of the basic patent
Yes
- (v) title of the invention
No
- (vi) number of any authorization to place the product on the market,
including the product identified in that authorization
No
- (vii) date of the said authorization
No
- (viii) duration of the SPC
Yes
- (ix) other elements, e.g., patent classification, product name
(please specify):

Question 10: In which form does your Office make or intend to make the publications referred to in questions 6 and 8?

- (a) In the field of medicinal products
 - (i) As regards applications for SPCs
 - (a) as part of an Official Gazette?
Yes
 - (b) by publishing the application?
No
 - (c) by laying the application open to public inspection?
The announcement in the Official Gazette indicates that the application is open to public inspection
 - (d) through online databases (or the Office's Web site)?
The internal database of the Office (PATADMIN) will show that an application has been made
 - (e) by copy delivery of the application on request?
No

- (ii) As regards granted SPCs
 - (a) as part of an Official Gazette?
Yes
 - (b) by publishing the SPC?
No
 - (c) by laying the SPC open to public inspection?
No
 - (d) through online databases (or the Office's Web site)?
The internal database of the Office (PATADMIN) will show that an extension of the term of protection has been granted
 - (e) by copy delivery of the SPC on request?
No

(b) In the field of phytopharmaceutical products

- (i) As regards applications for SPCs
 - (a) as part of an Official Gazette?
Yes
 - (b) by publishing the application?
No
 - (c) by laying the application open to public inspection?
The announcement in the Official Gazette indicates that the application is open to public inspection
 - (d) through online databases (or the Office's Web site)?
The internal database of the Office (PATADMIN) will show that an application has been made
 - (e) by copy delivery of the application on request?
No

- (ii) As regards granted SPCs
 - (a) as part of an Official Gazette?
Yes
 - (b) by publishing the SPC?
No
 - (c) by laying the SPC open to public inspection?
No
 - (d) through online databases (or the Office's Web site)?
The internal database (PATADMIN) will show that an extension of the term of protection has been granted
 - (e) by copy delivery of the SPC on request?
No

Question 11: If your Office enters or intends to enter data from the documents relating to SPCs in online databases (internal or commercial ones), please indicate the names(s) of the databases(s) and specify the bibliographic data elements:

- (a) In the field of medicinal products
 - (i) name(s) of database(s)
PATADMIN (internal database)
 - (ii) bibliographic data elements
Application number, serial number, extension status, date of lodgement of extension application, market authorisation date, Extended expiry date, date of acceptance of extension, date of grant of extension, date of refusal of extension, date of withdrawal of extension, dates of advertisement of lodgement, acceptance, grant, withdrawal and refusal of the application for extension, date of filing of opposition, service address

- (b) In the field of phytopharmaceutical products
 - (i) name(s) of database(s)
PATADMIN (internal database)
 - (ii) bibliographic data elements
Application number, serial number, extension status, date of lodgement of extension application, market authorisation date, Extended expiry date, date of acceptance of extension, date of grant of extension, date of refusal of extension, date of withdrawal of extension, dates of advertisement of lodgement, acceptance, grant, withdrawal and refusal of the application for extension, date of filing of opposition, service address

Question 12: If your Office allots or intends to allot specific application and/or registration numbers to SPCs, please give details:

- (a) As regards medicinal products
 - (i) concerning the numbering system for applications for SPCs
No specific numbering system is applied (see replies to questions 7 and 9)
 - (ii) concerning the numbering system for registrations or grants of SPCs
(if different from (a)(i))

- (b) As regards phytopharmaceutical products
 - (i) concerning numbering system for applications for SPCs
No specific numbering system is applied (see replies to questions 7 and 9)
 - (ii) concerning the numbering system for registrations or grants of SPCs
(if different from (b)(i))

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[End of Questionnaire]