

Questionnaire on Exceptions and Limitations to Patent Rights

The answers to this questionnaire have been provided on behalf of:

Country: **Republic of Armenia**
Office: **Intellectual Property Agency of the Republic of Armenia**

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Section I: General

This section is intended to obtain general information on exceptions and limitations to patent rights that are provided under the applicable laws. For the purpose of this questionnaire, the term “applicable law” refers to relevant national and regional statutory law and, where applicable, case law.

The terms used in the questionnaire are drafted in a general way aiming at providing a broad understanding of each concept used, assuming that the exact wording of these exceptions and limitations might differ under the applicable laws. More detailed explanations of the various exceptions and limitations may be found in the following documents: SCP/13/3, SCP/15/3 and CDIP/5/4.

1. As background for the exceptions and limitations to patents investigated in this questionnaire, what is the legal standard used to determine whether an invention is patentable? If the standard for patentability includes provisions that vary according to the technology involved, please include examples of how the standard has been interpreted, if available. Please indicate the source of law (statutory and-or case law) by providing the relevant provisions and/or a brief summary of the relevant decisions.

**A technical solution in any field, relating to a product (in particular, a device, substance, biotechnological product) or process (process of affecting a material subject matter using material means), shall be protected as an invention. An invention shall be granted legal protection if it is new has an inventive step and is industrially applicable (conditions for patentability of invention).
(Article 9 of Law on Inventions, Utility models and Industrial designs)**

Correspondingly, please list exclusions from patentability that exist in your law. Furthermore, please provide the source of those exclusions from patentability if different from the source of the standard of patentability, and provide any available case law or interpretive decisions specific to the exclusions.¹

- (1) The following shall not be subject to legal protection:**
(a) scientific discoveries;

¹ This question does not imply that the topic of exclusions from patentability is dealt with in this question exhaustively.

- (b) scientific theories, mathematical methods, provision of common information;
- (c) methods of organization and management of economy;
- (d) conventional signs, schedules and rules;
- (e) processes for performing mental acts;
- (f) algorithms for calculating machines;
- (g) projects and plans for constructions, buildings and site developing;
- (h) solutions concerning the outward appearance of the product having exclusively aesthetic value;
- (i) topographies of integrated microcircuits.

(2) Inventions, the exploitation of which contradicts the public interests, morality, philanthropy principles shall not be subject to legal protection.

(3) The following shall not constitute patentable inventions:

- (a) plant and animal varieties, as well as the natural biological processes of their raising;
- (b) processes for cloning of human beings;
- (c) use of human embryos for industrial or commercial purposes;
- (d) processes for modifying the genetic identity of human beings;
- (e) processes for modifying the genetic identity of animals, as well as animals resulting from such processes.

2. As background for the exceptions and limitations to patents investigated in this questionnaire, what exclusive rights are granted with a patent? Please provide the relevant provision in the statutory or case law. In addition, if publication of a patent application accords exclusive rights to the patent applicant, what are those rights?

Patent on invention or utility model gives the exclusive right to patent owner to use the patented subject matter at his own discretion, if it does not infringe other patent owner's rights as well as to forbid third parties:

- (a) where the subject matter of patent is a product, to prevent third parties without the owner's consent from the acts of making, using, offering for sale, selling, or importing for these purposes that product;
- (b) where the subject matter of a patent is a process, to prevent third parties not having the owner's consent from the act of using the process, and from the acts of using, importing, offering for sale, selling or putting into civil circulation the product developed directly by that process.

(Paragraph 1 of Article 16 of Law on Inventions, Utility models and Industrial designs)

3. Which exceptions and limitations does the applicable law provide in respect to patent rights (please indicate the applicable exceptions/limitations):

- Private and/or non-commercial use;
- Experimental use and/or scientific research;
- Preparation of medicines;²
- 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.³

² For example, extemporaneous preparation of prescribed medicines in pharmacies.

If the applicable law provides for any of the above-listed exceptions and limitations, please fill out those parts of Sections II to X that apply to you. If the applicable law does not contain all of the exceptions and limitations provided in Sections II to X, then you should respond only to the other parts of the questionnaire. If the applicable law includes other exceptions and limitations that are not listed above, please answer the questions under Section XI "Other Exceptions".

Where reference is made to case law, please indicate, if possible, the official source in which the case has been published (for example, the publication number, issue, title, URL, etc.).

Section II: Private and/or non-commercial use

4. If the exception is contained in statutory law, please provide the relevant provision(s):

The use of patented invention, utility model shall not constitute an infringement of the exclusive rights of the patent owner if used:

**for personal needs with no purpose to make profit;
(Article 17 (1) of Law on Inventions, Utility models and Industrial designs)**

5. If the exception is provided through case law, please cite the relevant decision(s) and provide its(their) brief summary:

N/A

6. (a) What are the public policy objectives for providing the exception?

N/A

(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

N/A

7. If the applicable law defines the concepts "non-commercial", "commercial" and/or "private", please provide those definitions by citing legal provision(s) and/or decision(s):

N/A

[Footnote continued from previous page]

³ For example, in some countries where patent rights extend to propagated or multiplied material derived from patented biological material, certain uses by farmers of harvested plant material or of breeding livestock or other animal reproductive material under patent protection on his own farm do not constitute patent infringement. Similarly, in some countries, patent rights do not cover uses by breeders of patented biological material for the purpose of developing a new plant variety (see paragraphs 133 to 137 of document SCP/13/3).

8. If there are any other criteria provided in the applicable law to be applied in determining the scope of the exception, please provide those criteria by citing legal provision(s) and/or decision(s):

N/A.....
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9. Is the applicable legal framework of the exception considered adequate to meet the objectives sought (for example, are there any amendments to the law foreseen)? Please explain:

N/A.....
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10. Which challenges, if any, have been encountered in relation to the practical implementation of the exception in your country? Please explain:

N/A.....
.....
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Section III: Experimental use and/or scientific research ⁴

11. If the exception is contained in statutory law, please provide the relevant provision(s):

The use of patented invention, utility model shall not constitute an infringement of the exclusive rights of the patent owner if used:

**as a subject of scientific research or scientific experiment;
(Article 17 (2) of Law on Inventions, Utility models and Industrial designs)**

12. If the exception is provided through case law, please cite the relevant decision(s) and provide its(their) brief summary:

N/A.....
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13. (a) What are the public policy objectives for providing the exception?

N/A.....
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(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

N/A.....

⁴ Exceptions and limitations on acts for obtaining regulatory approval are dealt with in Section VII of the questionnaire.

14. Does the applicable law make a distinction concerning the nature of the organization conducting the experimentation or research (for example, whether the organization is commercial or a not-for-profit entity)? Please explain:

N/A.....
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15. If the applicable law defines the concepts “experimental use” and/or “scientific research”, please provide those definitions by citing legal provision(s) and/or decision(s):

N/A.....
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16. If the purpose of experimentation and/or research is relevant to the determination of the scope of the exception, please indicate what that purpose is:

N/A

Experimentation and/or research should aim to:

- determine how the patented invention works
- determine the scope of the patented invention
- determine the validity of the claims
- seek an improvement to the patented invention
- invent around the patented invention
- other, please specify:

17. If any of the following criteria is relevant to the determination of the scope of the exception, please indicate:

N/A

- Research and/or experimentation must be conducted on or relating to the patented invention (“research on”)
- Research and/or experimentation must be conducted with or using the patented invention (“research with”)
- Both of the above

Please explain by citing legal provision(s) and/or decision(s):

N/A.....
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18. If the commercial intention of the experimentation and/or research is relevant to the determination of the scope of the exception, please indicate whether the exception covers activities relating to:

N/A

- A non-commercial purpose
- A commercial purpose
- Both of the above
- The commercial intention of the experimentation and/or research is not relevant

19. If the applicable law makes a distinction between “commercial” and “non-commercial” purpose, please explain those terms by providing their definitions, and, if appropriate, examples. Please cite legal provision(s) and/or decision(s):

N/A

20. If the applicable law provides for other criteria to be applied in determining the scope of the exception, please describe those criteria. Please illustrate your answer by citing legal provision(s) and/or decision(s):

N/A

21. Is the applicable legal framework of the exception considered adequate to meet the objectives sought (for example, are there any amendments to the law foreseen)? Please explain:

N/A

22. Which challenges, if any, have been encountered in relation to the practical implementation of the exception in your country? Please explain:

N/A

Section IV: Preparation of medicines

23. If the exception is contained in statutory law, please provide the relevant provision(s):

The use of patented invention, utility model shall not constitute an infringement of the exclusive rights of the patent owner if used:

for single preparation of medicaments in pharmacies based on physicians’ prescriptions;

(Article 17 (3) of Law on Inventions, Utility models and Industrial designs)

24. If the exception is provided through case law, please cite the relevant decision(s) and provide its(their) brief summary:

N/A

25. (a) What are the public policy objectives for providing the exception? Please explain:

N/A

(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

N/A.....
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26. Who is entitled to use the exception (for example, pharmacists, doctors, physicians, others)? Please describe:

N/A.....
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27. Does the applicable law provide for any limitations on the amount of medicines that can be prepared under the exception?

Yes
 No

If yes, please explain your answer by citing the relevant provision(s) and/or decision(s):

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28. If the applicable law provides for other criteria to be applied in determining the scope of the exception, please describe those criteria. Please illustrate your answer by citing legal provision(s) and/or decision(s):

N/A.....
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29. Is the applicable legal framework of the exception considered adequate to meet the objectives sought (for example, are there any amendments to the law foreseen)? Please explain:

N/A.....
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30. Which challenges, if any, have been encountered in relation to the practical implementation of the exception in your country? Please explain:

N/A.....
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Section V: Prior use

31. If the exception is contained in statutory law, please provide the relevant provision(s):

**Any person who, before the priority date of an invention, utility model, has used an identical solution created independently of the inventor and has used it bona fide in the territory of the Republic of Armenia or who has made the necessary preparatory works for it, shall retain the right to further non-compensated use, provided that the scope of such use is not extended (right on prior use).
(Paragraph 1 of Article 18 of Law on Inventions, Utility models and Industrial designs)**

32. If the exception is provided through case law, please cite the relevant decision(s) and provide its(their) brief summary:

N/A

33. (a) What are the public policy objectives for providing the exception? Please explain:

N/A

(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

N/A

34. How does the applicable law define the scope of "use"? Does the applicable law provide for any quantitative or qualitative limitations on the application of the "use" by prior user? Please explain your answer by citing legal provision(s) and/or decision(s):

**A prior user must provide that the scope of such use is not extended.
(Paragraph 1 of Article 18 of Law on Inventions, Utility models and Industrial designs)**

35. Does the applicable law provide for a remuneration to be paid to the patentee for the exercise of the exception? Please explain:

No, a prior user retains the right to further non-compensated use.

36. According to the applicable law, can a prior user license or assign his prior user's right to a third party?

Yes
 No

37. In case of affirmative answer to question 36, does the applicable law establish conditions on such licensing or assignment for the continued application of the prior use exception?

- Yes
- No

If yes, please explain what those conditions are:

The right on prior use shall be permitted to be transferred to another natural or legal persons only together with the production unit in which the use of the identical solution has taken place or the necessary preparations for such a use have been made.

38. Does this exception apply in situations where a third party has been using the patented invention or has made serious preparations for such use after the invalidation or refusal of the patent, but before the restoration or grant of the patent?

- Yes
- No

If yes, please explain the conditions under which such use can continue to apply:

Any person, who starting from the date of lapse of legal protection right in invention or utility model till the date, the information on restoration of rights of validity of patent on invention or utility model is published in Official Bulletin bona fide started to use the protected invention or utility model or made necessary preparatory works, reserve the right to use it free of charge without scope extension of the use (right to later use).

39. If the applicable law provides for other criteria to be applied in determining the scope of the exception, please describe those criteria. Please illustrate your answer by citing legal provision(s) and/or decision(s):

N/A

40. Is the applicable legal framework of the exception considered adequate to meet the objectives sought (for example, are there any amendments to the law foreseen)? Please explain:

N/A

41. Which challenges, if any, have been encountered in relation to the practical implementation of the exception in your country? Please explain:

N/A

Section VI: Use of articles on foreign vessels, aircrafts and land vehicles

42. If the exception is contained in statutory law, please provide the relevant provision(s):

The use of patented invention, utility model shall not constitute an infringement of the exclusive rights of the patent owner if used:

on any vehicle belonging to another State and being accidentally or temporarily on the territory of the Republic of Armenia, if it is determined exclusively by the needs of the vehicle and the latter belongs to citizens and (or) legal persons of a State providing the same rights to citizens and legal persons of the Republic of Armenia. (Article 17 (4) of Law on Inventions, Utility models and Industrial designs)

43. If the exception is provided through case law, please cite the relevant decision(s) and provide its(their) brief summary:

N/A

44. (a) What are the public policy objectives for providing the exception? Please explain:

N/A

(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

N/A

45. The exception applies in relation to:

- Vessels
- Aircrafts
- Land Vehicles
- Spacecraft

46. In determining the scope of the exception, does the applicable law apply such terms as "temporarily" and/or "accidentally" or any other equivalent term in relation to the entry of foreign transportation means into the national territory? Please provide the definitions of those terms by citing legal provision(s) and/or decision(s):

N/A

47. Does the applicable law provide for any restrictions on the use of the patented product on the body of the foreign vessels, aircrafts, land vehicles and spacecraft for the exception to apply (for example, the devices to be used exclusively for the needs of the vessel, aircraft, land vehicle and/or spacecraft)? Please explain your answer by citing legal provision(s) and/or decision(s):

The use of patented invention, utility model shall not constitute an infringement of the exclusive rights of the patent owner if used:

on any vehicle belonging to another State and being accidentally or temporarily on the territory of the Republic of Armenia, if it is determined exclusively by the needs of the vehicle ...

(Article 17 (4) of Law on Inventions, Utility models and Industrial designs)

48. If the applicable law provides for other criteria to be applied in determining the scope of the exception, please describe those criteria. Please illustrate your answer by citing legal provision(s) and/or decision(s):

N/A

49. Is the applicable legal framework of the exception considered adequate to meet the objectives sought (for example, are there any amendments to the law foreseen)? Please explain:

N/A

50. Which challenges, if any, have been encountered in relation to the practical implementation of the exception in your country? Please explain:

N/A

Section VII: Acts for obtaining regulatory approval from authorities

51. If the exception is contained in statutory law, please provide the relevant provision(s):

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52. If the exception is provided through case law, please cite the relevant decision(s) and provide its(their) brief summary:

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53. (a) What are the public policy objectives for providing the exception? Please explain:

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(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

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54. Who is entitled to use the exception? Please explain:

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55. The exception covers the regulatory approval of:

any products
certain products. Please describe which products:

56. Please indicate which acts are allowed in relation to the patented invention under the exception?

Making
Using
Selling
Offering for sale
Import
Export
Other. Please specify:.....

57. If the applicable law provides for other criteria to be applied in determining the scope of the exception, please describe those criteria. Please illustrate your answer by citing legal provision(s) and/or decision(s):

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58. Is the applicable legal framework of the exception considered adequate to meet the objectives sought (for example, are there any amendments to the law foreseen)? Please explain:

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59. Which challenges, if any, have been encountered in relation to the practical implementation of the exception in your country? Please explain:

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Section VIII: Exhaustion of patent rights

60. Please indicate what type of exhaustion doctrine is applicable in your country in relation to patents:

- National
- Regional
- International
- Uncertain, please explain.....

If the exception is contained in statutory law, please provide the relevant provision(s):

(1) The patent owner or the owner of exclusive license has no right to prevent to put into civil circulation in the Republic of Armenia a patented invention or utility model or product, developed by patented process, if this product or article has

been legally put on the market in the Republic of Armenia by the patent owner or with his consent.

(2) Import of a patented product including an industrial property subject matter or developed by a patented process into the territory of the Republic of Armenia shall not be deemed as infringement of exclusive rights of the patent owner if it has been legally put on the market in a foreign country by the patent owner or with his consent.

If the exception is provided through case law, please cite the relevant decision(s) and provide its(their) brief summary:

N/A

61. (a) What are the public policy objectives for adopting the exhaustion regime specified above? Please explain:

N/A

(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

N/A

62. Does the applicable law permit the patentee to introduce restrictions on importation or other distribution of the patented product by means of express notice on the product that can override the exhaustion doctrine adopted in the country?

- Yes
- No
- Uncertain

Please explain your answer by citing legal provision(s) and/or decision(s):

N/A

63. Has the applicable exhaustion regime been considered adequate to meet the public policy objectives in your country? Please explain:

N/A

64. Which challenges, if any, have been encountered in relation to the practical implementation of the applicable exhaustion regime in your country? Please explain:

N/A

Section IX: Compulsory licenses and/or government use

Compulsory licenses

65. If the exception is contained in statutory law, please provide the relevant provision(s):

- (1) Any person or the Republic of Armenia may, without the consent of the patent owner (rightholder), use the protected invention, utility model or industrial design (compulsory license) by court decision where:**
 - (a) the public interest demands, in particular, national security, nutrition, health or the development of other vital sectors so requires;**
 - (b) it is determined that the owner of the patent or his licensee abuses the patent rights, in particular where the manner of exploitation, contrary to the adopted regulations, restrains competition;**
 - (c) the invention, utility model, industrial design has not been used or has been used unconscientiously during the period of 4 years from filing the application or 3 years from granting patent (certificate) (the later filing date shall be applied).**
 - (2) The court shall grant compulsory licenses with regard to given circumstances and after hearing the rightholder.**
 - (3) Compulsory licenses shall be granted provided that the person filing the request proves that he has made efforts to conclude a license contract with the rightholder on reasonable commercial terms and that such efforts failed to succeed within a reasonable period of time.**
 - (4) Paragraph (3) of this Article shall not apply if a state of war or emergency has been declared.**
- (Article 69 of Law on Inventions, Utility models and Industrial designs)***

66. If the exception is provided through case law, please cite the relevant decision(s) and provide its(their) brief summary:

N/A

67. What grounds for the grant of a compulsory license does the applicable law provide in respect to patents (please indicate the applicable grounds):

- Non-working or insufficient working of the patented invention
- Refusal to grant licenses on reasonable terms
- Anti-competitive practices and/or unfair competition
- Public health
- National security
- National emergency and/or extreme urgency
- Dependent patents
- Other, please specify:

68. (a) What are the public policy objectives for providing compulsory licenses in your country? Please explain:

N/A

(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

N/A

69. If the applicable law provides for the grant of compulsory licenses on the ground of “non-working” or “insufficient working”, please provide the definitions of those terms by citing legal provision(s) and/or decision(s):

N/A

70. Does the importation of a patented product or a product manufactured by a patented process constitute “working” of the patent? Please explain your answer by citing legal provision(s) and/or decision(s):

N/A

71. In case of the grant of compulsory licenses on the grounds of non-working or insufficient working, does the applicable law provide for a certain time period to be respected before a compulsory license can be requested?

Yes
 No

If yes, what is the time period? **The applicable law provides for 4 years from the filing date of the application or 3 years from granting of patent (certificate) (the later date will be applied).**

72. In case of the grant of compulsory licenses on the grounds of non-working or insufficient working, does the applicable law provide that a compulsory license shall be refused if the patentee justifies his inaction by legitimate reasons?

Yes
 No

If yes, what are “legitimate reasons”? **The court shall grant compulsory licenses with regard to given circumstances and after hearing the rightholder. (Paragraph 2 of Article 69 of Law on Inventions, Utility models and Industrial designs)**

73. If the applicable law provides for the grant of compulsory licenses on the ground of refusal by the patentee to grant licenses on “reasonable terms and conditions” and within a “reasonable period of time”, please provide the definitions given to those terms by citing legal provision(s) and/or decision(s):

N/A

74. If the applicable law provides for the grant of compulsory licenses on the ground of anti-competitive practices, please indicate which anti-competitive practices relating to patents may lead to the grant of compulsory licenses by citing legal provision(s) and/or decision(s):

N/A

75. If the applicable law provides for the grant of compulsory licenses on the ground of dependent patents, please indicate the conditions that dependent patents must meet for a compulsory license to be granted:

(1) Compulsory licenses shall be granted under the following conditions:

(a) scope and duration shall be limited with regard to their purposes;

(b) they shall be only non-exclusive;

(c) they may not be transferred to third parties, with the exception of the licensee enterprise or business;

(d) they shall be granted primarily for the suffice of the internal market demand.

(2) Where a patent, hereinafter referred to as "the second patent", cannot be exploited without infringing another patent, hereinafter referred to as "the first patent", the following conditions, in addition to paragraph (1) above, for the grant of compulsory license in respect of the first patent it is necessary that:

(a) the invention protected by the second patent shall involve a technical advance of considerable economic significance compared to the invention protected by the first patent;

(b) the owner of the first patent shall, under reasonable conditions, be entitled to a cross-license to use the invention protected by the second patent;

(c) the use authorized in respect of the first patent shall be transferred by the person having the compulsory license only with the simultaneous transfer of the company's part, where the use of the mentioned subject matter is realized.

76. Does the applicable law provide a general policy to be followed in relation to the remuneration to be paid by the beneficiary of the compulsory license to the patentee? Please explain:

(1) A compulsory license shall be granted to the owners of patents against equitable remuneration.

(2) The amount of the remuneration shall be determined with regard to the circumstances of each case and taking into account the economic significance of such an authorization.

77. If the applicable law provides for the grant of compulsory licenses on the ground of "national emergency" or "circumstances of extreme urgency", please explain how the applicable law defines those two concepts and their scope of application, and provide examples:

N/A

78. Please indicate how many times and in which technological areas compulsory licenses have been issued in your country:

Compulsory licenses have not been ever issued in the Republic of Armenia.

79. Is the applicable legal framework for the issuance of compulsory licenses considered adequate to meet the objectives sought (for example, are there any amendments to the law foreseen)? Please explain:

N/A.....
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80. Which challenges, if any, have been encountered in relation to the use of the compulsory licensing system provisions in your country? Please explain:

N/A.....
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Government use

81. If the exception is contained in statutory law, please provide the relevant provision(s):

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82. If the exception is provided through case law, please cite the relevant decision(s) and provide its(their) brief summary:

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83. What grounds for the grant of government use does the applicable law provide in respect to patents (please indicate the applicable grounds):

- Non-working or insufficient working of the patented invention
- Refusal to grant licenses on reasonable terms
- Anti-competitive practices and/or unfair competition
- Public health
- National security
- National emergency and/or extreme urgency
- Dependent patents
- Other, please specify:

84. (a) What are the public policy objectives for providing government use in your country?

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(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

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85. If the applicable law provides for the grant of government use on the ground of “national emergency” or “circumstances of extreme urgency”, please explain how the applicable law defines those two concepts and their scope of application, and provide examples:

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86. Please indicate how many times and in which technological areas government use has been issued in your country:

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87. Is the applicable legal framework for the issuance of government use considered adequate to meet the objectives sought (for example, are there any amendments to the law foreseen)? Please explain:

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88. Which challenges, if any, have been encountered in relation to the use of the government use mechanism in your country? Please explain:

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Section X: Exceptions and limitations related to farmers’ and/or breeders’ use of patented inventions

Farmers’ use of patented inventions

89. If the exception is contained in statutory law, please provide the relevant provision(s):

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90. If the exception is provided through case law, please cite the relevant decision(s) and provide a brief summary of such decision(s):

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91. (a) What are the public policy objectives for providing the exception related to farmers’ use of patented inventions? Please explain:

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(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

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92. Please explain the scope of the exception by citing legal provision(s) and/or decision(s) (for example, interpretation(s) of statutory provision(s) on activities allowed by users of the exception, limitations on their use, as well as other criteria, if any, applied in the determination of the scope of the exception):

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93. Is the applicable legal framework of the exception considered adequate to meet the objectives sought (for example, are there any amendments to the law foreseen)? Please explain:

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94. Which challenges, if any, have been encountered in relation to the practical implementation of the exception related to farmers' use of patented inventions in your country? Please explain:

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Breeders' use of patented inventions

95. If the exception is contained in statutory law, please provide the relevant provision(s):

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96. If the exception is provided through case law, please cite the relevant decision(s) and provide a brief summary of such decision(s):

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97. (a) What are the public policy objectives for providing the exception related to breeders' use of patented inventions? Please explain:

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(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

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98. Please explain the scope of the exception by citing legal provision(s) and/or decision(s) (for example, interpretation(s) of statutory provision(s) on activities allowed by users of the exception, limitations on their use, as well as other criteria, if any, applied in the determination of the scope of the exception):

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99. Is the applicable legal framework of the exception considered adequate to meet the objectives sought (for example, are there any amendments to the law foreseen)? Please explain:

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100. Which challenges, if any, have been encountered in relation to the practical implementation of the exception related to breeders' use of patented inventions in your country? Please explain:

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Section XI: Other Exceptions and Limitations

101. Please list any other exceptions and limitations that your applicable patent law provides:

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102. In relation to each exception and limitation, please indicate:

(i) the source of law (statutory law and/or the case law) by providing the relevant provision(s) and/or a brief summary of the relevant decision(s):

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(ii) the public policy objectives of each exception and limitation. Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

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- (iii) the entitlement and the scope of the exception and limitation by citing legal provision(s) and/or decision(s):

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In addition, in relation to each exception and limitation, please explain:

- (i) whether its applicable legal framework is considered adequate to meet the objectives sought (for example, are there any amendments to the law foreseen?):

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.....

- (ii) if there have been any challenges encountered in the practical implementation of the exception in your country:

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.....

103. If other mechanisms for the limitation of patent rights external to the patent system exist in your country (for example, competition law), please list and explain such mechanisms:

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.....

[End of Questionnaire]