

**Questionnaire on Exceptions and Limitations to Patent Rights**

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

Country: .....  
Office: Eurasian Patent Office (EAPO) .....

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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.

**Eurasian Patent Convention (EAPC) .....**  
**Patent Regulations under Eurasian Patent Convention (adopted by the**  
**Administrative Council of the EAPO at its second (1<sup>st</sup> ordinary) session on**  
**December 1, 1995, with further amendments and additions) .....**

**“The Eurasian Office shall grant a Eurasian patent for any invention that is new, involves an inventive step and is industrially applicable.” (Art. 6 EAPC).**

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.<sup>1</sup>

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

**The following shall not, as such, be recognized as inventions as implied in Rule 3(1) of the Regulations, inter alia:**

- **discoveries;**
- **scientific theories and mathematical methods;**
- **presentation of information;**
- **methods of economic organization and management;**
- **symbols, schedules and rules;**
- **methods for performing mental acts;**
- **algorithms and computer programs;**
- **topographies of integrated circuits;**
- **projects and plans for structures and buildings and for land development;**
- **solutions concerning solely the outward appearance of manufactured goods and aimed at satisfying aesthetic requirements.**

**The above-listed subject matter shall not be recognized as inventions in those cases where a Eurasian application or a Eurasian patent are directly pertinent to any of the above-listed subject matter as such;**

**Eurasian patents shall not be granted for:**

- **plant varieties and animal breeds;**
- **topology of integrated circuits;**
- **inventions, the commercial use of which it is essential to prevent, for the purposes of protecting public order or morality, including the protection of the life and health of people and animals or the protection of plants, or in order to prevent serious damage being caused to the environment. In that regard, such use may not be considered such, solely on the grounds that it is forbidden by the legislation of one or more Contracting States. (Rule 3 par. (3) and (4) of Patent Regulations).**

- .....
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?

**EAPC, Art. 9:**

**“ (1) The owner of a Eurasian patent shall have the exclusive right to use, and also to authorize the use or prohibit others from using, the patented invention.**

**(2) The owner of a Eurasian patent may assign or license his rights.**

**(3) After an application for the grant of a Eurasian patent (hereinafter referred to as “the Eurasian application”) has been published, the applicant shall enjoy provisional protection in conformity with the national legislation of the Contracting States.”**

**Patent Regulations, R. 17:**

**“The following acts shall constitute an infringement, within the meaning of Article 13(1) of the Convention, of said patent owner's exclusive right:**

- **the making, use, importing, offering for sale, sale or any other form of marketing or storage for that purpose, of a product protected by a Eurasian patent;**
- **the use of a process protected by a Eurasian patent or the offering thereof for such use;**
- **the use, importing, offering for sale, sale or any other form of marketing or storage for that purpose, of a product directly obtained by a process protected by a Eurasian patent.”**

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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;<sup>2</sup>
- 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.<sup>3</sup>

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):

#### **Patent Regulations, R. 19:**

**“The following cases of the use of the patented invention shall not constitute an infringement of the Eurasian patent:**

- **use for private non-profit-making purposes”.**

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<sup>2</sup> For example, extemporaneous preparation of prescribed medicines in pharmacies.

<sup>3</sup> 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).

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

**None** .....  
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6. (a) What are the public policy objectives for providing the exception?

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

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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):

**No definition** .....  
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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):

**None** .....  
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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:

**No amendments to change the legal framework of the exception are foreseen** .....  
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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:

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**Section III: Experimental use and/or scientific research<sup>4</sup>**

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

**Patent Regulations, R. 19:**

**“The following cases of the use of the patented invention shall not constitute an infringement of the Eurasian patent:**

- **use for scientific research and experimental purposes”.**

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

**None** .....

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

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

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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:

**Regulated under the national laws of Contracting States**.....

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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):

**No definition** .....

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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:

Experimentation and/or research should aim to:

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

- 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:

- 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):

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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:

- 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):

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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):

**None** .....

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:

**No amendments to change the legal framework of the exception are foreseen** .....

22. 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 IV: Preparation of medicines**

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

**Patent Regulations, R. 19:**

**“The following cases of the use of the patented invention shall not constitute an infringement of the Eurasian patent:**

- **use for the extemporaneous preparation, in a pharmacy, of a medicine on a medical prescription”.**

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

**None** .....

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

**Protection of the human health, assurance of the access to medicines**.....  
.....

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

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

**Pharmacists making the preparation in the pharmacy of the medicines on a medical prescription**.....  
**Doctors and physicians making the medical prescription**.....  
.....

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):

**“use for the extemporaneous preparation, in a pharmacy, of a medicine on a medical prescription”**.....  
.....

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):

**None** .....  
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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:

**No amendments to change the legal framework of the exception are foreseen** .....  
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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:

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**Section V: Prior use**

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

**Patent Regulations, R. 20:** .....

**“(1) Any natural person, legal entity, or organization assimilated thereto, which in good faith, before the filing date of the application or, where priority has been established, before the priority date of the invention, has been using an identical solution on the territory of a Contracting State, or has made the necessary preparations for such use, shall retain the right to proceed with that use free of charge, provided that the scope thereof is not increased.**

**The right of the prior user may only be transferred to another natural person, legal entity, or assimilated organization, together with the production unit in which the identical solution has been used, or the necessary preparations for the use thereof have been made.**

**(2) The right of the prior user shall apply only on the territory of the Contracting State in which such prior use has occurred.”**

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

**None** .....  
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33. (a) What are the public policy objectives for providing the exception? Please explain:  
**In the patent system “first-to-file” it is important to respect a balance between the patent owner interest and the rights of the person who earlier created and used a similar technical solution.** .....



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

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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):

**Defined under the national laws of Contracting States**.....

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

**According to the provisions of national laws of Contracting States** .....

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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 of the prior user may be only transferred together with the production unit in which the invention has been used or the necessary preparations for the use thereof have been made.**

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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:

**Patent Regulations, R. 20<sup>1</sup>**: .....

**“(1) Any natural person, legal entity or organization assimilated thereto, which in good faith has begun to use the invention or an identical solution on the territory of a Contracting State, or has made the necessary preparations for such use, during the period between the date on which the right**

to the Eurasian application published in accordance with Article 15(4) of the Convention or the Eurasian patent granted have lapsed, and the date of publication of the information on the restoration, pursuant to Rules 39(1) and 39(2) of the Regulations, of the rights to the Eurasian application or Eurasian patent, shall retain the right to proceed with the use of this invention or solution identical thereto free of charge, provided that the scope thereof is not increased.

The right of the subsequent user may only be transferred to another natural or legal person, or organization assimilated thereto, together with the production unit in which the invention or identical solution has been used, or the necessary preparations for the use thereof have been made.

(2) The right of the subsequent user shall apply only on the territory of the Contracting State where the subsequent use has taken place and the legislation of which provides for such a right.”

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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):

**None** .....  
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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:

**No amendments to change the legal framework of the exception are foreseen** .....  
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41. 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 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):

**Patent Regulations, R. 19:** .....

“The following cases of the use of the patented invention shall not constitute an infringement of the Eurasian patent:

- use in the construction or operation of means of transportation of a member State of the Paris Union for the Protection of Industrial Property that is not a Contracting State, when such means of transportation temporarily or accidentally enter the territory of the Contracting State, provided that the invention is used exclusively for the needs of said means of transportation”.

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

**None** .....

44. (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:

**Implementation of the Art. 5 *ter* of the Paris Convention** .....

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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):

**Yes, "temporarily or accidentally"** .....

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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):

**Yes, "provided that the invention is used exclusively for the needs of said means of transportation". (Patent Regulations, R.19).**

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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):

**None** .....

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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:

**No amendments to change the legal framework of the exception are foreseen** .....

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50. 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 VII: Acts for obtaining regulatory approval from authorities**

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

**No provisions** .....  
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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.. **According to the provisions of national laws of Contracting States** .....

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

**Patent Regulations, R. 19:**

**“The following cases of the use of the patented invention shall not constitute an infringement of the Eurasian patent:**

- **use of a product after this product has been marketed by the patent owner himself or with his consent in a Contracting State where the Eurasian patent is valid and in which the product in question was marketed.”**

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

**None** .....

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

**To respect a balance between the rights of patent owner and the public benefit and to coordinate the international trade.....**

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

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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):

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

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

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**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):

**EAPC, Art. 12:**

**“ (1) Compulsory licenses for the use of a Eurasian patent by third parties may be granted in conformity with the Paris Convention for the Protection of Industrial Property by the competent authority of a Contracting State with effect in the territory of that State.**

**(2) A decision to grant a compulsory license may be contested in the courts or other competent authorities of the contracting State in the territory of which the compulsory license has been granted.”**

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

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

**According to the provisions of national laws of Contracting States.**

- 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:

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

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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):

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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):

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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? .....

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"? .....

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):

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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):

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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:

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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:

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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:

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

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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:

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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:

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*Government use*

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

**According to the provisions of national laws of Contracting States.** .....

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):

**According to the provisions of national laws of Contracting States.** .....  
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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:

.....  
.....

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:

.....  
.....  
.....

**Section XI: Other Exceptions and Limitations**

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

**None** .....

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]