

FINLAND

With reference to document SCP/6/7, the conclusion of the sixth session of the Standing Committee on the Law of Patents (SCP) regarding document SCP/6/7 and the invitation in this respect of the International Bureau the National Board of Patents and Registration of Finland submits the following:

Section 71a of the Finnish Patents Act provides for reinstatement of rights if a patent applicant or the proprietor of a patent, despite having observed all due care required by the circumstances, has failed to comply with a time limit prescribed in the Act or under the regulations of the Act. In order to enjoy such relief the applicant or proprietor has to complete the performance of the act omitted within two months from the removal of the cause of non-compliance with the time limit and at the latest within one year following the expiry of the time limit. Time limits regarding priority are excluded from this possibility of relief.

In our evaluation on whether an applicant or owner in connection with reinstatement of rights has showed "due care", the criteria "force majeure" would definitely apply as a legitimate criteria.

Furthermore, Finland has implemented PCT Art. 48 and Rule 82 in the Finnish Patents Act, in section 71b.

It is envisaged that the Finnish Government will soon initiate the procedure of ratification of the Patent Law Treaty.