



World Intellectual Property Organization (WIPO)

International Bureau

34, Chemin des Colombettes

1211 Geneva 20

Switzerland

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**To the International Bureau of the World Intellectual Property Organization (WIPO),**

Mr. James Pooley, Deputy Director General of the World Intellectual Property Organization, has addressed a letter to Member States and Regional Patent Offices of the European Union asking for information on the following patent-related topics. Regarding Finland, please find the requested information below.

Exceptions and limitations to patent rights

Member States and Regional Patent Offices were invited to submit information regarding the implementation of the following exceptions and limitations: private and/or non-commercial use, experimental use and/or scientific research, preparation of medicines, prior use and use of articles on foreign vessels, aircrafts and land vehicles.

Information regarding the Finnish implementation of the exceptions and limitations mentioned above can be found in the Questionnaire on Exceptions and Limitations to Patent Rights. The information has been submitted in October 2011 and it is still valid at the moment. The questionnaire and the responses to it are available at <http://www.wipo.int/scp/en/exceptions/replies/finland.html>.

Quality of patents

In Finland, the National Board of Patents and Registration (NBPR) has made several Patent Prosecution Highway (PPH) agreements with other national intellectual property offices to enable national offices to exploit relevant work already conducted by another national office and reduce duplication. Thus, the PPH initiative will reduce the examination workload and improve patent quality. However, it is noted that the intellectual property office of second filing is not obliged to accept the opinion of the intellectual property office of first filing and that intellectual property office of second filing is always solely responsible for its decision. At the NBPR substantive examination is concluded based on the Finnish Patents Act (550/1967), Patents Decree (669/1980) and examination guidelines. At the moment The NBPR has ten PPH agreements with other national offices (AU, CA, HU, IL, JP, KR, RU, CN, ES, USA).

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When conducting the search and examination of national patent applications, the NBPR patent examiner takes into account search and examination results of the priority application and also the second filings. The duty of the applicant to provide this information is stipulated in the Finnish Patents Act and Patents Decree. On the other hand, such information is nowadays available in patent databases (e.g. Epodoc, WPI) and on the web sites of many patent offices (e.g. European Patent Register) and WIPO (Patentscope).

#### Confidentiality of communications between clients and their patent advisers

In Finland, the current Act on Patent Attorneys (552/1967) does not contain specific confidentiality provisions. There are some general provisions in the Code of Judicial Procedure and the Administrative Procedure Act (434/2003) which cover the protection of confidential information. The secrecy provisions in the new Act on Licensed Attorneys (715/2011) may also apply to some patent attorneys/agents. The national strategy concerning intellectual property rights (2009) involves a broad range of proposals for action, including a proposal for drafting a new act on approved IPR attorneys/agents. The new act would repeal the current legislation on patent attorneys and, in addition to introducing a qualifying examination, also set forth specific rules on confidentiality.

#### Transfer of technology

Finland has carried out activities concerning technical co-operation and transfer of technology. These activities relate i.e. to facilitating of the implementation of the TRIPS Agreement by the developing and least developed countries in accordance with Articles 66.2 and 67 of the TRIPS Agreement.

Activities on implementation of Article 66.2 include programmes such as Finnpartnership and Finnfund.

Finnpartnership is a Finnish business partnership programme with mission to increase commercial co-operation between Finland and developing countries. Finnpartnership promotes projects in developing countries and provides advisory services for the business activities of Finnish companies in developing countries. In addition, Finnpartnership provides financial support for the planning, development and training phases of a project. The programme enhances technology transfer in accordance with the general conditions of the Business Partnership Support Facility.

Finnish Fund for Industrial Cooperation Ltd. (Finnfund) is a development finance company providing long-term risk capital for private projects in developing countries and Russia. Company's object is to promote the economic and social development of countries which the Development Assistance Committee (DAC) of the OECD has classified as developing countries. Finnfund directs human and material resources to the development of the industrial and other economic corporate activity of these countries. Investments relating to various industries are made mainly with Finnish companies and the transfer of technology includes all types of technology.

Examples of recent activities regarding technical co-operation and transfer of technology subject to Article 67 of the TRIPS Agreement are listed in the table below.

<b>Beneficiary country</b>	<b>Title and date of the event</b>	<b>Implementing agency</b>	<b>Description</b>
Kenya, Mauritius, South Africa, Vietnam and Trinidad and Tobago	State-of-the-art search reports 2010 – 2011	National Board of Patents and Registration of Finland and World Intellectual Property Organization (WIPO)	National Board of Patents and Registration of Finland provided state-of-the-art search reports free of charge for Kenya, Mauritius, South Africa, Vietnam and Trinidad and Tobago within the framework of development cooperation with WIPO
Jordan Kenya (2) Democratic People's Republic of Korea (2) Nigeria Romania Serbia Sudan Tanzania Zimbabwe Cameroon	Practical Training Course on Copyright and Related Rights (Helsinki, October 18 - October 29, 2010)	Ministry of Education and Culture in co-operation with the WIPO Academy, the Finnish Copyright Institute, Finnish copyright organisations and other partners in co-operation.	The participants were provided an introduction to the set of Finnish, Nordic and European copyright and neighbouring rights norms and the solutions concerning collective administration, management of rights, and questions relating to enforcement of rights.