

Certain Aspects of National/Regional Patent Laws

Revised Annex II of document SCP/12/3 Rev.2: Report on the International Patent System

•Prior Art

1. Everything made available to the public by a written or oral description, use or in any other way before the filing date (priority date).
2. Contents of Croatian patent applications with an earlier filing date (priority date) made available to the public on or after that date.

•Novelty

The invention does not form part of the state of the art. The state of the art consists of everything made available to the public by a written or oral description, use or in any other way before the filing date (priority date), and the contents of Croatian patent applications with an earlier filing date (priority date) made available to the public on or after that date.

•Inventive Step (Obviousness)

The invention is not obvious to a person skilled in the art having regard to the state of the art. The state of the art consists of everything made available to the public by a written or oral description, use or in any other way before the filing date (priority date).

•Grace Period

1. Disclosure not to be taken into account in determining novelty if it occurred within six months before the filing date due to:
 - (a) an evident abuse in relation to the patent applicant or his predecessor in title;
 - (b) display of the invention at an official or officially recognized international exhibition.
2. The applicant shall indicate in the application at time of filing that the invention has been so displayed, and submit a certificate within four months from the filing date.

•Sufficiency of Disclosure

The application shall disclose the invention in a manner sufficiently clear and precise for it to be carried out by a person skilled in the art.

•Exclusions from Patentable Subject Matter

1. Discoveries, scientific theories and mathematical methods;
2. Aesthetic creations;
3. Rules, instructions or methods for performing mental activity, playing games or doing business;
4. Presentation of information;
5. Computer programs;
6. Plant and animal varieties and essentially biological processes for their production, other than microbiological processes and products;
7. Surgical, therapeutic and diagnostic methods for treating humans or animals;
8. Inventions contrary to the public order or morality, such as:
 - processes for cloning human beings;
 - processes for modifying the germ line genetic identity of human beings;
 - uses of human embryos for industrial or commercial purposes;
 - processes for modifying the genetic identity of animals which are likely to cause them suffering without any substantial medical benefit to man or animal, and also animals resulting from such processes.

•Exceptions and Limitations of the Rights

1. Private acts for non-commercial purposes;
2. Acts for research and development and for experiments;
3. Acts for obtaining registration of the medical, veterinary and plant protection products;
4. Preparation of prescribed medicines in pharmacies, and acts concerning those medicines;

5. Continued prior use by a person who, in good faith before the filing date (priority date), exploited or manufactured the invention in Croatia for business purposes, or had made real and serious preparations for such purposes;
6. Certain uses concerning foreign aircraft, land vehicles or vessels which temporarily or accidentally enter national territory;
7. Biological material obtained from the propagation or multiplication of biological material placed on the market of Croatia, of any of the States of the European Union, or States Parties to the Agreement Creating the European Economic Area by the owner of the patent or with his consent;
8. Acts concerning products put on the market in Croatia by, or with consent of, the patent owner;
9. Compulsory licenses.