

Dear SCP Secretariat,

In addition to our email below, we have the pleasure to send you updated information on the remaining topics of the Circular C. 9089:

(i) Certain aspects of the applicable national or regional patent law, related to prior art, novelty, inventive step (non-obviousness), grace period, sufficiency of disclosure, exclusions from patentable subject matter and for exceptions and limitations of the rights

WIPO's website is updated.

(ii) National and regional laws on opposition systems and other administrative revocation and invalidation mechanisms

Regarding national and regional laws on opposition systems and other administrative revocation and invalidation mechanisms, as the Portuguese Office (INPI PT) reported in the circular C. 9043, with the revision of the Portuguese legislation (Industrial Property Code), which is in force since 1st July 2019, INPI PT may declare, ex officio, null a supplementary protection certificate if the basic patent has expired before the end of its term or if the basic patent has been revoked.

(iii) international worksharing and collaborative activities for search and examination of patent applications:

Regarding this topic, INPI PT has established a PPH Agreement with the Brazilian Office of Industrial Property (INPI Brazil) and renewed the PPH Agreement with the China National Intellectual Property Administration in December 2021.

In April 2022 and May 2022, respectively, INPI PT signed two Agreements with INPI Brazil and with the Spanish Patent and Trademark Office. These Agreements provide the exchange of patent examiners aiming at updating and increase the exchange relations through reciprocal assistance mechanisms.

(iv) Compilation of laws and practices regarding the scope of client attorney privilege and its applicability to patent advisors

The information related with "laws and practices regarding the scope of client attorney privilege and its applicability to patent advisors" available at the WIPO's website is updated.

Best regards,

Madalena Reis Martins

Técnica Superior
Senior Officer

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