

Summary reponses questionnaire Q94/Q166

Country	1) legal requirement	a) where?	b) what triggers?	c) source/origin	d) own country	e) amend	f) PIC, ABS
Argentina	No						
Australia	No						
Austria	No						
Belgium	Yes	Art. 15(§1)(6) patent law	GR on the basis of which the invention has been developed	geographic origin, if known	from any country	not clear	no
Brazil	Yes	Art. 31 provis. measures 2186-16 (23.8.2001)	access to GR and associated TK	CGEN authorization number and date must be provided	limited to Brazilian GR and TK	yes, CGEN authorization may be provided later	yes, required for CGEN authorization
Canada	No						
China	Yes	Art. 26(5) patent law	use of GR	direct source; original source	from any country	not clear	required
Czech Republic	No						
Denmark	Yes	§3(4) patent regulations	not clear	geographical origin, if known	from any country	possible	no, but PIC for human GR
Egypt	Yes	Art. 13 IP law	not clear	no indication in regulation	from any country	within 4 months	no
Estonia	No						
Finland	No						
France	No						
Germany	Yes	§ 34a patent law	use of GR	geographical origin	from any country	possible	no
Greece	No						
India	Yes	Sec. 10(4)d Patent Act	biological material	source and geographical origin	from any country	possible	PIC and ABS for GR/TK from India
Indonesia	No						
Israel	No						
Italy	Yes	Art. 5.2 Law No.78 (22.2.2006)	based on human or vegetal biological material	reference to country of origin required	from any country	possible	yes, all requirements of co. of origin
Japan	No						
Malaysia	No						
New Zealand	No						
Norway	Yes	S. 8b,c patents act	directly based	providing country, country of origin	from any country	possible	PIC if country of origin so requires
Panama	No						
Philippines	Yes	CBD legislation	also indirect connection	country of origin	from any country	possible	PIC and ABS
Poland	No						
South Africa	Yes	S. 30(3) patents act	based on or derived from	indigenous source	from ZA only	possible	PIC and ABS
Spain	No						
Sweden	Yes	S. 5a patents decree	directly based	geographical origin, if known	from any country	possible	no
Switzerland	Yes	Art. 49a, 81a, 138 patent law, Art. 45a pat. ordinance	directly based on GR or TK	source, if known	from any country	not clear	no
Thailand	No						
Turkey	No						
United Kingdom	No						
Uruguay	No						
USA	No						

g) human res.	h) TK	i) sanctions	j) cut-off date	2) experience	3) statistical data	4) decisions	Country
							Argentina
							Australia
							Austria
			entering into force				
n.a.	n.a.	none	23.5.2005	none	not available	none	Belgium
treated differently (exempt, Art.3 PM 2186-16)	source required, if connected with GR	application shelved, IP right cancelled, seizure of GR samples	30.06.2000	good experience with filing, backlog in examination	not available	none	Brazil
							Canada
n.a.	n.a.	rejection, invalidation	none	none	not available	none	China
							Czech Republic
different, PIC required	not required	none (may be fine)	none	no problems	probably very few	none	Denmark
	source of TK required	application cancelled	CBD 1994, no retroactivity	none	not available	none	Egypt
n.a.							Estonia
							Finland
							France
not required	not required	none	none	none	not available	none	Germany
							Greece
no	TK not patentable	revocation	none	none	not available	none	India
							Indonesia
							Israel
included, PIC required	not required	annotation in registry, sanctions may be introduced	none	none	not available	none	Italy
							Japan
							Malaysia
							New Zealand
different, consent required	source of all TK required	penalty, but no invalidity	none	applicants prefer PCT	2-3 applications	none	Norway
							Panama
no	origin of all TK required	revocation?	none	no experience	estimated 100 appl.	50- none	Philippines
							Poland
not clear	TK from ZA only	no grant, revocation	none	Form 26 required by all applicants	fewer than 5%	none	South Africa
							Spain
no	no	none	none	no problems	not available	none	Sweden
not clear	only in connection with TK	fine, but no invalidity	none	none	not available (at least 1 appl.)	none	Switzerland
							Thailand
							Turkey
							United Kingdom
							Uruguay
							USA

Country	5) project of law	a) where?	b) what triggers?	c) source/origin	d) own country	e) amend	f) PIC, ABS	g) human res.
Argentina	none							
Australia	none							
Austria	none							
Belgium	waiting for regulations							
Brazil	none							
Canada	none							
China	none							
Czech Republic	none							
Denmark	none							
Egypt	none							
Estonia	none							
Finland	none							
France	none							
Germany	none							
Greece	none							
India	none							
Indonesia	law project 2008							
Israel	none							
Italy	none							
Japan	none							
Malaysia	law project 2010							
New Zealand	Patents bill; Maori advisory committee	patent law	case-by-case	none	Only Maori GR/TK	n.a.	n.a.	general patentability exclusions
Norway	none							
Panama	none							
Philippines	none							
Poland	none							
South Africa	none							
Spain	none							
Sweden	none							
Switzerland	none							
Thailand	none							
Turkey	draft law	Art. 96 patent law	based on GR or TK	source or country of origin	from any place	not yet clear	no	different provisions
United Kingdom	none							
Uruguay	none							
USA	none							

h) TK	i) sanctions	j) cut-off date	remarks	Country
				Argentina
			extensive discussion re CBD	Australia
				Austria
				Belgium
				Brazil
				Canada
				China
				Czech Republic
				Denmark
				Egypt
				Estonia
				Finland
				France
				Germany
				Greece
				India
			general discussion, no specific law points	Indonesia
				Israel
				Italy
				Japan
			bill on access to genetic resources and benefit sharing	Malaysia
no				
definition	unclear	n.a.	discussion of general patentability exclusions	New Zealand
				Norway
				Panama
				Philippines
				Poland
				South Africa
				Spain
				Sweden
				Switzerland
			The PVP act requires indication of the origin of the plant genetic material. Registration system for local plant varieties and for TK in traditional medicine.	Thailand
source of				
all TK	not yet clear	none	fate of the draft is open	Turkey
			only if TRIPS requires, but favorable	United Kingdom
				Uruguay
			extensive discussion of general patentability requirements	USA