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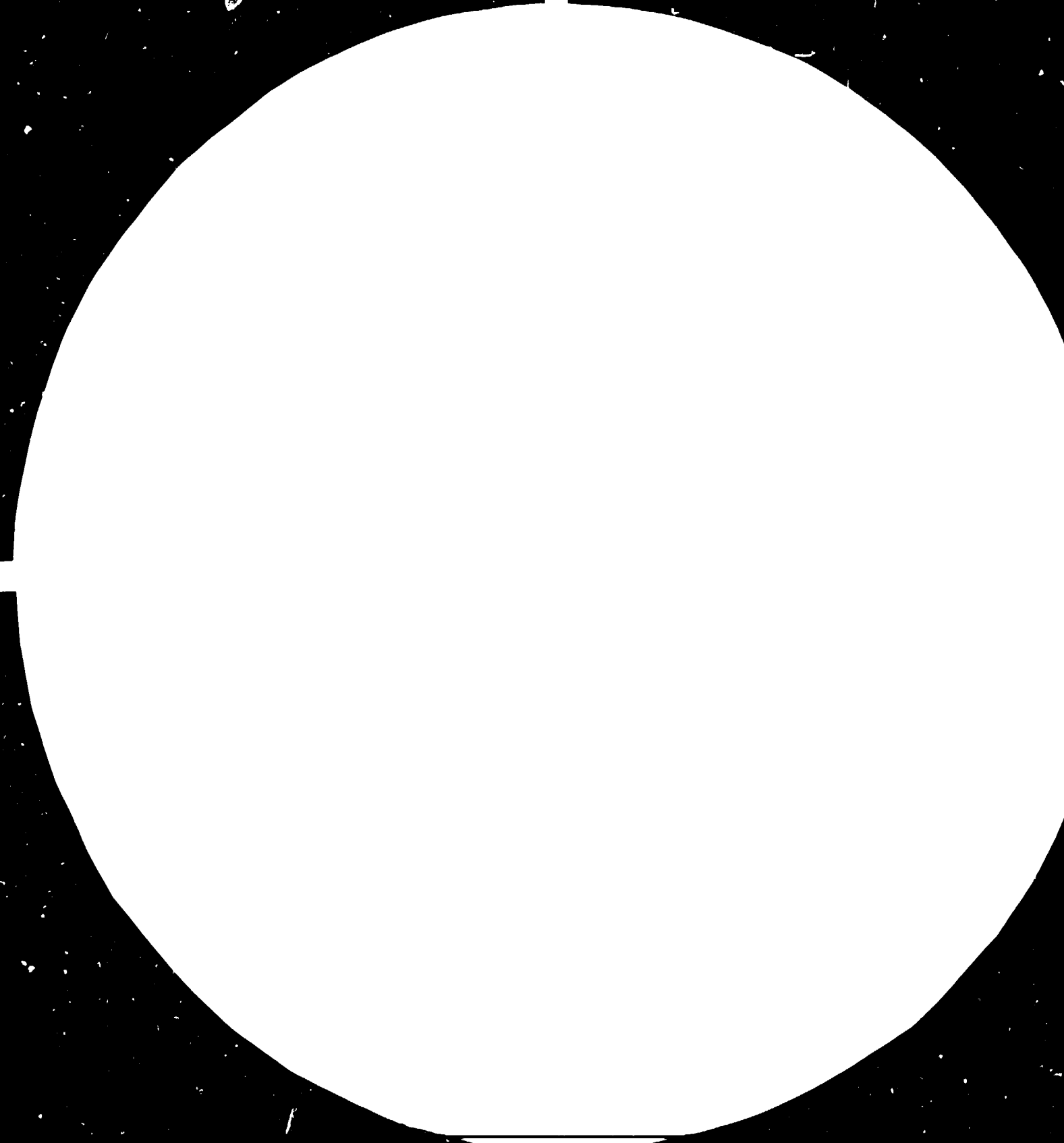
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MICROCOPY RESOLUTION TEST CHART

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Second Consultation on the  
Pharmaceutical Industry

Budapest, Hungary, 21-25 November 1983

Summary of the  
INDUSTRIAL PROPERTY PROTECTION ON  
PHARMACEUTICALS IN DEVELOPING COUNTRIES<sup>\*/</sup>

Prepared  
by  
UNIDO SECRETARIAT

286

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Summary of the  
INDUSTRIAL PROPERTY PROTECTION ON  
PHARMACEUTICALS IN DEVELOPING COUNTRIES

Corrigendum

Page 1, paragraph 2, line 3

For prohibition of exclusion read prohibition or exclusion

Explanatory note

As requested by the Second Ad-Hoc Panel of Experts the attached Table is an attempt at summarizing the situation of patent protection on pharmaceuticals in developing countries.

It should be noted that whenever the problem of patentability of pharmaceuticals is specifically dealt with by existing laws, it is generally done in the form of a prohibition of exclusion from patentability. Consequently in the absence of specific provisions, the actual recognition of patents in the field may be a question of legal and judicial interpretation, in accordance with the general scope and provisions of such laws (in many countries, for instance, patentability may be excluded by broad considerations, such as "the interests of the community" (Bahrain), when inventions are "contrary to public health" (Chile), affect the development of the country" (Columbia, Ecuador, Peru), "are contrary to public policy" (Jordan), etc. For this reason, the information contained in the Table on the recognition of certain types of protection should be deemed, in general, as preliminary, and subject to further verification.

The Table only refers to developing countries on which information is available. It does not include countries where no patent law exists<sup>\*/</sup>, and those where only confirmation patents may be applied by patent owners of a determined foreign country<sup>\*\*/</sup>.

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<sup>\*/</sup> Countries where there is no national patent legislation in force: Angola, Ethiopia, Kampuchea, Indonesia, Laos, Yemen Arab Republic, Djibouti, Oman, Qatar, United Arab Emirates, Papua New Guinea, Saudi Arabia, Sudan, Vietnam, Madagascar, Cape Verde, St. Thomas and Prince's Islands, Equatorial Guinea, Guinea, Bissau, People's Democratic Republic of Yemen. In Mali and Republic of Guinea French law is apparently still applicable.

<sup>\*\*/</sup> a) Countries where patents may only be applied by owners of a British patent: Uganda, Tanzania, Singapore, Sierra Leone, Malaysia, Solomon, Cyprus, Gambia, Ghana, Kenya.

b) Countries where patents may only be applied by owners of a South African patent: Swaziland, Lesotho, Botswana.

The main sources used for the preparation of the Table are the following:

Patents throughout the World. Edited by A.M. Greene. Clark Boardman Company Ltd., New York, 1982; Manual for the handling of applications for patents, designs and trademarks throughout the world. Octrooibureau Los En Stigter. Amsterdam; Revista del Derecho Industrial, Buenos Aires, various issues; La Propriété Industrielle Wipo, Geneva, various issues, and other Wipo and Unctad documents quoted below (see note 1 of the Table).

INDUSTRIAL PROPERTY PROTECTION ON  
PHARMACEUTICALS IN DEVELOPING COUNTRIES \*/

Country	Product patents	Process patents	Other titles
African Union <sup>(1)</sup> (Libreville Accord 1962)	-	X	
Algeria	X	X	
Argentina	-	X	
Bahamas	X	X	
Bahrain	X	X	
Bangladesh	X <sup>(2)</sup>	X	
Barbados	X	X	
Belize	X	X	
Bolivia	-	X <sup>(3)</sup>	
Brazil	-	-	
Burundi	X	X	
Chile	-	X	
Colombia	-	X	



Costa Rica	X (2)	X (4)	
Cuba	X	X	
Dominican Republic	- (5)	X	
Ecuador	-	-	
Egypt	-	X	
El Salvador	X	X	
Fiji	X	X	
Grenada	X	X	
Guatemala	X	X	
Guyana	-	X	
Haiti	X	X	
Honduras	-	- (6)	
India	-	X (7)	
Iran	-	X	
Iraq	-	X	
Jamaica	X	X	

Jordan	X	X	
North Korea	X	X	inventor's certificates (8)
South Korea	-	-	
Kuwait	-	X	
Lebanon	-	X	
Liberia	X	X	
Libya	-	X	
Malawi	X (9)	X (9)	
Malta	X	X	
Mauritius	X	X	
Mexico	-	-	certificates of invention (10)
Morocco	-	X	
Nepal	X	X	
Nicaragua	-	X (11)	
Nigeria	X	X	
Pakistan	X	X	

Panama	X	X	
Paraguay	-	X	
Peru	-	X	
Phillipines	X	X	
Rumania	-	-	inventor's certificates (12)
Rwanda	X	X	
St. Lucia	X	X	
St. Vincent	X	X	
Seychelles	X	X	
Somalia	-	-	
Surinam	X	X	
Sri Lanka	X	X	
Syria	-	X	
Thailand	-	X	
Trinidad and Tobago	X	X	
Tunisia	-	X	

Uruguay	-	X	
Venezuela	-	X	
Western Samoa	X	X	
Yugoslavia	-	X	
Zaire	X	X	
Zambia	X (13)	X (13)	
Zimbabwe	X (14)	X (14)	

\*/ The symbol (x) indicates that product or process patents, as appropriate, are recognised. The symbol (-) means that no protection is granted.

- (1) Includes Senegal, Congo, Gabon, Mauritania, Togo, Central African Republic, Ivory Coast, Benin, Upper Volta, Niger, Cameroon and Togo. The scope of protection granted, as indicated in the Table, is based on the information contained in The role of the patent system in the transfer of technology to developing countries, TD/B/AC.11/17.Rev.1 study by the UN Department on Economic and Social Affairs, Unctad, and Wipo, New York, 1975, table 14; and Unctad, Review of recent trends in patents in developing countries, TD/B/C.6/AC.3/3. November 1981.
- (2) Mere admixtures of two or more chemicals are ordinarily unpatentable.
- (3) Methods, processes and systems for the preparation of pharmaceutical compositions and formulae are patentable only if a legalized declaration made out by the authorities of the country of origin shows the originality and novelty of the method or process concerned.
- (4) Protection in pharmaceuticals may be only obtained for one year for items not manufactured in Costa Rica.

- (5) Protection is granted only if the pharmaceutical compounds and medicines are approved by the Medical Board of the Republic.
- (6) Patents may be granted for pharmaceutical processes and for production of active ingredients of pharmaceutical compounds if the applicant can prove he is exploiting the process in Honduras and can successfully market the product on equitable terms.
- (7) While in general patents last for fourteen years, in the case of pharmaceuticals they are granted only for seven years from the date of the patent or five years from the date of sealing, whichever period is shorter.
- (8) Inventor's certificates are only available to citizens of North Korea.
- (9) Substances used as medicine which are a mere mixture of known ingredients and processes for producing such by a mere admixture are unpatentable.
- (10) Certificates of invention are available for industrial methods for the production of medicines.
- (11) Patents are granted only for the process of the production and not for the product which may be produced also by other systems.
- (12) Only inventor's certificates are granted for inventions related to chemical methods and medicines.
- (13) See note 9 above.
- (14) See note 9 above.



