

ANNEXURE 4

**COMPARISON OF INVENTIVE STEP THRESHOLD ACROSS VARIOUS COUNTRIES HAVING
UTILITY MODEL REGIME**

(TOTAL NUMBER OF PAGES 15)

Annexure 4**Threshold of Inventiveness**

S.No	Country	IS INVENTIVE STEP CHECKED?	Threshold	Threshold of inventiveness (Source 1)
1	Albania	No (creative effort is required which does not fulfill the criteria of inventive step)	NA	See http://www.ladas.com/BULLETINS/1994/1194Bulletin/Albania_NewIPLaw.html
2	Angola	No	NA	None
3	Argentina	Yes	Low Standard	http://www.mondaq.com/canada/x/225794/Patent/Utility+Models+Petty+Patents+Innovation+Patents+Efficient+IP+Protection+For+SMEs
4	Armenia	No	NA	
5	Australia	Yes	Low Standard	see Discussion paper on proposed Utility Model by DIPP Also See http://www.ipo.org/AM/Template.cfm?Template=/CM/ContentDisplay.cfm&ContentID=25244
6	Austria	Yes	Low Standard	see Discussion paper on proposed Utility Model by DIPP Also See http://www.hlbbshaw.com/uploads/files/20110216052519_6610.pdf . See also IP australia's website http://www.ipaustralia.gov.au/get-the-right-ip/patents/types-of-patents/innovation-patent/
7	Azerbaijan	No (they check that it provides constructive solution, give advantage save time etc.)	NA	None

8	Belarus	yes	Could Not be Found	(http://it4b.icsti.su/1000ventures_e/business_guide/ipr/sme_guide_utility_models_bywipo.htm)
9	Belize	No	NA	Article 10, Express exclusion of inventive step
10	Belgium	Yes	High Standard	See submission paper by BSA, in response to DIPP's discussion paper on proposed Utility Model, report page 6 last para and footnote 27
11	Bulgaria	Yes	High Standard	(http://www.ipo.org/wp-content/uploads/2013/03/Utility_Model_protection.pdf)
12	Bolivia	yes	could not be found	(http://www.dehns.com/cms/document/What_is_a_utility_model.pdf , http://www.ladas.com/BULLETINS/2002/0202Bulletin/AndeianCommNewIPLaw.html)
13	Brazil	Yes	High Standard	http://www.mondaq.com/canada/x/225794/Patent/Utility+Models+Petty+Patents+Innovation+Patents+Efficient+IP+Protection+For+SMEs
14	Chile	Yes	Low Standard	see Discussion paper on proposed Utility Model by DIPP, page 12 Also See http://www.ipo.org/AM/Template.cfm?Template=/CM/ContentDisplay.cfm&ContentID=25244 , Table 2 see also http://www.dehns.com/cms/document/What_is_a_utility_model.pdf)

15	China	Yes, creative/technical solution/possesses substantive features and advancement	Low Standard	None
16	Colombia	yes	http://www.patent.uz/eng/st2.htm and also see	http://www.ladas.com/BULLETINS/2002/0202Bulletin/AndeanCommNewIPLaw.html , inventive step is not seen but as per http://www.cavelier.com/eContent/verimp.asp?id=1449&idcompany=3 , inventive step is seen), http://it4b.icsti.su/1000ventures_e/business_guide/ipr/sme_guide_utility_models_bywipo.htm
17	Costa Rica	No	NA	None
18	Czech Republic	Yes	Low Standard	See http://www.patent.uz/eng/st2.htm
19	Denmark	Yes	Low Standard	Discussion paper on proposed Utility Model by DIPP Also See http://www.awapatent.com/?id=19349
20	Ecuador, an andean pact country)	Yes	Low Standard	None
21	Estonia	Yes,	Low Standard	(See Discussion paper on proposed Utility Model by DIPP, page 12 and also http://www.intels.ee/?s=26&action=print
22	Ethiopia	No	NA	

23	Finland	Yes	Low Standard	http://www.patent.uz/eng/st2.htm and Discussion paper on proposed Utility Model by DIPP, page 12
24	France	Yes	Low Standard	See submission paper by BSA, in response to DIPP's discussion paper on proposed Utility Model, report page 6 last para and footnote 27
25	Gautemala	No	NA	Act not in English
26	Georgia	Yes	Low Standard	Lower standard of inventiveness than for Patents (http://www.gvaramadze.com/pat.htm)
27	Germany	Yes	Low Standard	Discussion paper on proposed Utility Model by DIPP, page 12
28	Greece	No, as inventive step has not been included in the utility model certificate	NA	http://www.ipo.org/AM/Template.cfm?Template=/CM/ ContentDisplay.cfm&ContentID=25244
29	Honduras	Yes	High Standard	None
30	Hungary	Yes, Article 3(1)	Low Standard	See <a href="http://www.markopatent.hu/p/docs/INVENTIVENESS_F
OR_UTILITY_MODELS.pdf">http://www.markopatent.hu/p/docs/INVENTIVENESS_F OR_UTILITY_MODELS.pdf

31	Indonesia	Yes	High Standard	Also see http://www.unctad.org/en/docs/iteipc20066_en.pdf , http://books.google.co.in/books?id=xRIYPUn0bX8C&pg=RA1-PT41&lpg=RA1-PT41&dq=indonesia+utility+model+level+of+inventiveness&source=bl&ots=o45Kgcppyc&sig=2K8K-ypmQDvXm0bW6WU-jCQf71I&hl=en&sa=X&ei=kz6wUZuiL4TTrQeW6YDoDA&ved=0CFIQ6AEwBQ
32	Ireland	Yes	Low Standard	See http://www.hlbbslaw.com/uploads/files/20110216052519_6610.pdf) but as per UMAs report table 3, inventive threshold is same as that for patents
33	Italy	Yes	Low Standard	http://www.sib.it/en/areas-of-practice/inventions/utility-models.html
34	Japan	Yes	Low Standard	Discussion paper on proposed Utility Model by DIPP, page 12
35	Kazakhstan	No	NA	See http://shabalinpatent.com/UtilityModels.aspx
36	Korea	Yes	Low Standard	From http://www.wipo.int/wipolex/en/text.jsp?file_id=188183 Lower standard of inventiveness than for patents (See http://www.wipo.int/wipolex/en/text.jsp?file_id=214534)
37	Kuwait	No	NA	

38	Kyrgyzstan	No	NA	
39	Laos	Yes	Low Standard	None
40	Malaysia	No explicitly excluded		Section 17A read with Section 15
41	Mexico	No, it does not include inventive step.	NA	Also see http://www.ipo.org/AM/Template.cfm?Template=/CM/ContentDisplay.cfm&ContentID=25244
42	Peru	Yes		(http://www.dehns.com/cms/document/What_is_a_utility_model.pdf), (http://www.ladas.com/BULLETINS/2002/0202Bulletin/AndeanCommNewIPLaw.html)
43	Philippines	No	NA	Also See http://www.ipo.org/AM/Template.cfm?Template=/CM/ContentDisplay.cfm&ContentID=25244
44	Poland	No, See http://www.hlbshaw.com/uploads/files/20110216052519_6610.pdf	NA	
45	Portugal	Yes	Low Standard	Discussion paper on proposed Utility Model by DIPP, page 12 Also See http://www.ipo.org/AM/Template.cfm?Template=/CM/ContentDisplay.cfm&ContentID=25244

46	Russia	No	NA	http://www.mondaq.com/canada/x/225794/Patent/Utility+Models+Petty+Patents+Innovation+Patents+Efficient+IP+Protection+For+SMEs and Discussion paper on proposed Utility Model by DIPP, page 12
47	Slovakia	Yes	High Standard	http://books.google.co.in/books?id=VwA3g4LMEGUC&pg=PA68&lpg=PA68&dq=slovakia+level+of+inventiveness+in+utility+model&source=bl&ots=ABFhSC8akD&sig=KC_YTu4jfSsZSwH1N3JyfeK3srY&hl=en&sa=X&ei=F2CwUZ7BCMLmrAeDhoDIBg&ved=0CEQQ6AEwAw#v=onepage&q=slovakia%20level%20of%20inventiveness%20in%20utility%20model&f=false
48	Spain	Yes	Low Standard	http://www.iensva.com/index.php?p=1_13_Utility-Models)
49	Tajikistan	Yes	Could Not be Found	(http://it4b.icsti.su/1000ventures_e/business_guide/ipr/sme_guide_utility_models_bywipo.htm)
50	Taiwan	Yes	Low Standard	(http://www.unctad.org/en/docs/iteipc20066_en.pdf)
51	Trinidad and Tobago	No	NA	None
52	Turkey	No, it is nowhere included in the protection for utility models.	NA	See Also in Also in Article 154 http://www.wipo.int/wipolex/en/text.jsp?file_id=129945

53	Ukraine	No	NA	None
54	Uruguay	Yes .	Low Standard	It also results from Article 81 that it requires Lower standard of inventiveness than required for patents.
55	Uzbekistan	Yes	Could Not be Found	(http://apps.who.int/medicinedocs/en/d/Js4917e/7.4.html)
56	Vietnam	Yes	Low Standard	http://www.acip.gov.au/library/Innovation%20Patent%20Issues%20Paper_Final_v2.pdf

Threshold of Inventive Step Source (2)
Article 88 of the Act
Article 15 and Article 3 of the Act
Article 53 of the Act
Article 15 of the Act
Article 5 Article 58 Subsections 24(1) and (2) Article 18 Subsection 45(1) Article 114A
Article 1 and Article 13
Article 7 of the Act

Article 3 of the Act
PART III of Patents section in the Act Article 8. of the Act
PART XII of section on Utility Model Certificates of the Act Article 49
http://economie.fgov.be/fr/entreprises/propriete_intellectuelle/Brevets/Duree_validite_decheance_annulation_brevet/
None
None
Chapter II of the Act PATENTABILITY
Title IV Utility Models Sec. 54 Sec. 35

Chapter II of the Act Article 22
None
CHAPTER II of Act Article 25 (Paragraph amended by Law No. 7979 of January 6, 2000, Article 2 inc. G) Article 2
Section 1 of the Act
Section 1 of the Act
Article 159 of the Act
Chapter II of the Act

Chapter I of the Act

Article L611-14 and
Article R612-57 of the Act

ARTICLE 71 of the Article

Article 1 of the Act

Article 19 of the Act

CHAPTER II, Article 25 of the Act

Article 3 of the Act

CHAPTER VIII, Article 104 of an Act

Article 9, 13, 31, 63, 64 of the Act

Article 2 of the Act

Article 1 of the Act

Article 7 and 17 of the Act

Article 4 of the Act

Article 5 and Article 6 of the Act
Section 13 and 14 of the Act
Section 17. Definition.
Article 27, Article 2, Article 6, Article 12, Article 17 Article 43 of the Act
Section 109 Section 21, Sections 43 to 49 Subsection 109.1 and Sections 22, 23, 24 and 27
Article 94 of the Act
Article 117

Article 23. Examination of Utility Model Applications

Article 5. Conditions of Patentability of Utility Models

Article 4 of the Act

Article 104 of the Act

Part XV

Article 64 of the Act

Article 7 of the Act

Article 8, 11, 29, 81 of the Act

Article 58

Article 101 of the Act